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MATT BLUNT

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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 20—Pharmacy Program

EMERGENCY AMENDMENT

13 CSR 70-20.200 Drug Prior Authorization Process. The division is amending this rule by adding section (8).

PURPOSE: The purpose of this rule is to clarify the process by which existing drugs included in the Medical Assistance Program may be restricted.

EMERGENCY STATEMENT: Cost Containment through prior authorization of additional drugs was identified in the State Fiscal Year (SFY) 2002 budget in the amount of \$4.9 million annually. During SFY 2002, the division attempted to implement prior authorization of certain drugs to achieve the pharmacy cost containment's identified through that budgetary process. These attempts met with opposition due to differences in interpretation of 13 CSR 70-20.200(3). The division committed to withdraw the proposed rules and take steps to clarify the language. This amendment provides the clarification of the terms in controversy. Expansion of prior authorization of drugs in medical assistance programs has been recognized as a prudent cost containment measure across the country. The SFY 2002 revenue projection is expected to be about

\$750 million less than the original consensus revenue forecast. This forecast was arrived at in December 2000 and provides the basis for the SFY 2002 budget established by the legislature and signed by the Governor. For SFY 2003, the state is projecting general revenue will be \$56 million less than actual net collections in SFY 2001. This does not take into account the impact of inflation. Assuming this projection is accurate, the state will have less money to operate than two years ago while it must fund mandatory items such as Medicaid caseload growth. The state fiscal situation presents an emergency in that it is necessary to take steps to implement pharmacy cost containment measures in order to preserve the compelling governmental interest of reducing expenditures to meet revenues and balance the state budget. This must be accomplished in such a way as to clarify those issues in controversy so the cost containment measures can proceed without further hindrance. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Division of Medical Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 22, 2002, effective June 1, 2002 and expires November 27, 2002.

(8) When implementing the provisions of section (3), Missouri-specific data shall include the consideration of use and cost data, pharmacoeconomic information and prudent utilization of state funds, and may include medical and clinical criteria.

AUTHORITY: sections 208.153], RSMo Supp. 1991] and 208.201, RSMo [Supp. 1987] 2000. Original rule filed Feb. 3, 1992, effective Aug. 6, 1992. Emergency amendment filed May 22, 2002, effective June 1, 2002, expires Nov. 27, 2002.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 20—Pharmacy Program

EMERGENCY RULE

13 CSR 70-20.250 Prior Authorization of New Drug Entities or New Drug Dosage Form

PURPOSE: The purpose of this rule is to outline the process by which new drugs or new drug dosage forms of existing drugs may be subject to prior authorization prior to payment by the Missouri Medical Assistance Program.

EMERGENCY STATEMENT: Expansion of prior authorization of drugs in medical assistance programs across the country has been recognized as a prudent cost containment measure. Missouri's economic status calls for emergency measures to contain cost wherever feasible. The State Fiscal Year (SFY) 2002 revenue projection is expected to be \$750 million less than the original consensus revenue forecast, which was established in December 2000. The Department of Social Services has been required to withhold funds appropriated in the SFY 2002 budget in response to the shortfall in projected revenues in August 2001, December 2001, and May 2002. These withholdings have totaled \$53.4 million in General Revenue funds and \$24.3 million in other state funds. For SFY 2003, the state is projecting general revenue will be \$56 million less than actual net collections in SFY 2001. This does not take into account the impact of inflation. Assuming this projection is accurate, the state will have less money to operate than two years ago while it must fund mandatory items such as Medicaid caseload growth. In the SFY 2003 budget, the Department of

Social Services' appropriation indicates cost containment in pharmacy costs in the Medical Assistance Program of over \$100 million (state and federal funds), including \$35.5 million in savings through the prior authorization of new drugs. Achieving cost containment necessary through prior authorization requires an effective date for this rule in advance of that which can be obtained through the regular rulemaking process. Promulgation of this emergency rule is necessary to preserve the compelling governmental interest of maximizing pharmacy cost containment to reduce expenditures to match projected actual revenues in SFY 2002 and to achieve a balanced state budget for SFY 2003. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 22, 2002, effective June 1, 2002 and expires November 27, 2002.

(1) New drug entities, and new drug product dosage forms of existing drug entities, that have been approved by the Food and Drug Administration and are available on the market, shall comply with prior authorization requirements imposed by the division, in compliance with federal law.

(2) Prior authorization restrictions shall continue on new drug entities and new drug product dosage forms of existing drugs until reviewed by the division and the division eliminates the restriction or makes a final determination to require restriction. The division shall consider known cost and use data, medical and clinical criteria, and prudent utilization of state funds in the review. Interested parties may present clinical data to the division.

(3) The review referenced in (2) shall occur within 30 business days after the division receives notice through pricing updates of the availability of the drug entity on the market. Upon completion of the review, the division shall make the drug available for use by all Medicaid recipients or refer the new drug or new drug dosage form to the Medicaid Drug Prior Authorization Committee (MDPAC) with a recommendation for continued prior authorization. Staff recommendations regarding continued prior authorization of a new drug or new drug dosage form shall be made in writing to the MDPAC. A copy shall be available to the public prior to the MDPAC meeting in which the continued prior authorization is to be discussed.

(4) The MDPAC shall consider any recommendations related to continued prior authorization of a new drug or new drug dosage form at the next scheduled MDPAC meeting. The division and the MDPAC may actively seek comments about the proposed restrictions. The MDPAC shall include a minimum of 15 minutes for interested parties to comment about such proposed restrictions.

(5) If the MDPAC finds that use and cost data, pharmacoeconomic information, along with medical and clinical implications of restriction, are documented and restriction is warranted, the MDPAC shall hold a public hearing regarding the continued restriction and make a recommendation to the division. Such recommendation shall be provided to the division, in writing, prior to the division making a final determination. The division shall provide notice of the final determination through the Department of Social Services, Division of Medical Services website at www.dss.state.mo.us/dms, provider bulletins, and updates to the provider manual.

(6) If, after the hearing referenced in (5) above, prior authorization of the new drug or new drug dosage form is required, the prior authorization requirement shall be reviewed at least once every twelve (12) months by the MDPAC.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Emergency rule filed May 22, 2002, effective June 1, 2002, expires Nov. 27, 2002.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Environmental Health and Communicable Disease Prevention Chapter 26—Sexually Transmitted Diseases

EMERGENCY AMENDMENT

19 CSR 20-26.050 Preventing Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) from Health Care Workers to Patients. The division is deleting section (4).

PURPOSE: This amendment is to remove the sunset clause on this rule in order to continue the established training requirements relating to the prevention of the transmission of the Human Immunodeficiency Virus, Hepatitis B Virus and other bloodborne pathogens from infected health care workers to patients.

EMERGENCY STATEMENT: In 1992, section 191.694, RSMo, was passed requiring that all health care professionals who perform invasive procedures shall receive training on infection control procedures relevant to HIV and related diseases. Currently there is a sunset clause which provides that this rule is due to expire on June 30, 2002. As this rule is necessary for the continued implementation and administration of section 191.694, RSMo, the Missouri Department of Health and Senior Services finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action to remove this sunset clause. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this rule is limited to the circumstances creating the emergency and complies with the protection extended in the Missouri and the United States Constitutions. The Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 10, 2002, effective July 1, 2002, and expires December 28, 2002.

[(4) This rule expires on June 30, 2002.]

AUTHORITY: section 191.694.4, RSMo 2000. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed May 10, 2002, effective July 1, 2002, expires Dec. 28, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Environmental Health and Communicable Disease Prevention Chapter 26—Sexually Transmitted Diseases

EMERGENCY AMENDMENT

19 CSR 20-26.060 Voluntary Evaluation for the Human Immunodeficiency Virus (HIV)- and Hepatitis B Virus (HBV)-Infected Health Care Professionals Who Perform Invasive Procedures. The division is deleting section (5).

PURPOSE: This amendment is to remove the sunset clause in this rule in order to continue the established procedures for the voluntary evaluation of the Human Immunodeficiency Virus and

Hepatitis B Virus for infected health care professionals who perform invasive procedures in order to determine whether practice restrictions or limitations should be applied.

*EMERGENCY STATEMENT: In 1992, section 191.700, RSMo was passed requiring the Department of Health to set an expert review panel to evaluate the Human Immunodeficiency Virus (HIV) and the Hepatitis B Virus infected health care professionals who perform invasive procedures. This evaluation is voluntary on the part of the infected health care professional. Currently, there is a sunset clause which provides that this rule is due to expire on June 30, 2002. As this rule is necessary for the continued implementation and administration of section 191.700, RSMo, the Missouri Department of Health and Senior Services finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action to remove this sunset clause. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this rule is limited to the circumstances creating the emergency and complies with the protection extended in the **Missouri** and the **United States Constitutions**. The Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 10, 2002, effective July 1, 2002, expires December 28, 2002.*

[(5) This rule expires on June 30, 2002.]

*AUTHORITY: section 191.700.2, RSMo 2000. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed May 10, 2002, effective July 1, 2002, expires Dec. 28, 2002. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri. The director is amending section (5) subsections (A)–(E) and deleting the second (D).

PURPOSE: This amendment clarifies the use of certified facsimile or certified photocopy of Equine Infectious Anemia test chart and makes provisions for equidae to enter Missouri on a six (6)-month passport.

(5) *Equidae*.

(A) All *equidae* (except nursing foals accompanied by their dams) must be accompanied by a current VS Form 10-11 (or later revision), showing the graphic description of all markings needed for identification and an official Certificate of Veterinary Inspection showing—

1. *[Identification and description of all equidae listed on the certificate]* A current VS Form 10-11 (or later revision) showing the graphic description of all markings needed for identification; and

2. *[An official negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to entry, the name of the state/federal approved laboratory, and the test accession number assigned by the laboratory]* An Official Certificate of Veterinary Inspection (health certificate) showing:

A. Identification and description of each and every *equidae* listed on the health certificate; and

B. Negative test results of an official Equine Infectious Anemia (EIA) test within twelve (12) months prior to entry, the name of the EIA accredited testing laboratory, and the test accession number assigned by the laboratory.

(B) *[Photocopies or facsimile copies]* A certified photocopy or certified facsimile of the VS Form 10-11 may be accepted *[if they are legible and bear certification by the testing veterinarian or testing laboratory that it is an official copy]* for the purpose of travel or exhibition, but not for change of ownership (including leasing or gifting):

1. A certified photocopy is one obtained from the testing veterinarian or accredited testing laboratory bearing seal or signature in the lower right hand corner along with the date of certification in some ink color other than black.

2. A certified facsimile may be obtained only from the testing veterinarian or accredited testing laboratory and must bear the facsimile imprint of the originating facility clearly across the top of the page. It must also bear the date of the facsimile either along the top or in the lower right hand corner.

(C) *[All managed or sponsored events, such as trail rides, rodeos or competitions must require an official negative EIA test within twelve (12) months prior to the event. The manager or sponsor of each assembly or event is responsible for insuring that each animal admitted or participating is accompanied by an official Certificate of Veterinary Inspection and a VS Form 10-11 (or later revision) showing proof of a negative EIA test, and shall not admit or allow participation of animals not so certified. Such animals cannot congregate with other equidae. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may be assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.]* For purpose of travel and exhibition, Missouri will accept six (6)-month passports from states with which there is a reciprocal agreement. These passports must meet the following criteria:

1. Proof of a negative EIA test within thirty (30) days of the date of application of the passport;

2. Permanent identification for each horse by means of registered brand, legible tattoo or electronic identification (microchip); to be recorded on the passport and the VS Form 10-11, along with other identifying characteristics;

3. Veterinary inspection; and

4. In the event of confirmed vesicular stomatitis in any of the states with which reciprocal agreements exist, use of the six (6)-month passports will be suspended.

(D) *Equidae* entering Missouri moving directly from a farm-of-origin (defined as maintained on premises for at least one hundred

twenty (120) days) to a licensed livestock market/sale *[must]* may be accompanied by a waybill or owner/shipper statement showing origin and destination, **in lieu of the Certificate of Veterinary Inspection.**

[(D) All equidae consigned to a licensed Missouri market/sale must have proof of a negative EIA test within twelve (12) months prior to sale or have blood samples for EIA testing collected at the market prior to sale at the seller's expense. The animal will sell test-pending with an announcement made at the time of sale that the animal is under quarantine to the buyer until negative test results are received.]

(E) Alteration or substitution of any information on any VS Form 10-11, **including certified photocopy and certified facsimile**, or Certificate of Veterinary Inspection shall cause the document to be invalid and in violation of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.

AUTHORITY: section 267.645, RSMo [1994] 2000. This version of rule filed Jan. 24, 1975, effective Feb. 3, 1975. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expired May 10, 2002. Amended: Filed April 10, 2002. Amended: Filed May 14, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) depending on the number of equidae entering Missouri.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretagne Jones, D.V.M., Veterinarian II, PO Box 630 Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) day after publication of this notice in the **Missouri Register**. No public hearing scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri. The director proposes to amend section (4) subsections (A)–(I) and to delete subsection (4)(J).

PURPOSE: This amendment adds requirement of EIA testing for the use of equidae on publicly owned forests, parks or trails and clarifies the handling of a positive test result by this agency to prevent and eradicate the spread of diseases that potentially pose a threat to the equine population.

(4) *Equidae.*

(A) *[All equidae (except nursing foals accompanied by their dams) sold, traded, exchanged, or otherwise involved in a change of ownership or leasing must have an official negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to change of ownership or lease. All change of ownership or leasing must be accompanied by a completed VS Form 10-11 (or a later revision) accurately*

written, showing graphic descriptions of all markings needed for identification.] **Change of Ownership:**

1. All *equidae* (except nursing foals accompanied by their dams) sold, traded, exchanged, leased, gifted, donated, relinquished or otherwise involved in a change of ownership must have an official negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to the change of ownership or lease;

2. All change of ownership or leasing must be accompanied by the original owner's copy of the VS Form 10-11 (or later revision) complete and accurately written, showing graphic descriptions of all marking needed for identification;

3. No photocopies or facsimiles of VS Form 10-11 (or later revision) are valid for change of ownership or leasing.

(B.) *[Missouri equidae may move directly from a farm-of-origin (defined as maintained on premises for at least one hundred twenty (120) days) to a licensed Missouri livestock market/sale without a negative EIA test, but must be accompanied by a waybill or owner/shipper statement showing origin and destination. All farm of origin equidae moving to a licensed Missouri livestock market/sale without a negative EIA test will have blood samples for EIA testing collected at the market before the sale at seller's expense. The animal will sell test-pending with an announcement made at the time of sale that the animal is under quarantine to the buyer until negative test results are received.]* **Livestock Market/Sale:**

1. Missouri origin *equidae* may move directly from a farm-of-origin (defined as maintained on premises for at least one hundred twenty (120) days) to a licensed Missouri market/sale without a negative EIA test, but must be accompanied by an owner/shipper statement showing origin and destination;

2. All farm-of-origin *equidae* moving to a licensed Missouri market/sale without a negative EIA test will have blood samples for EIA testing collected at the market/sale before the sale at seller's expense;

3. The animal(s) will sell test-pending with an announcement made at the time of sale that the animal(s) is under quarantine to the buyer until negative test results are received. The animal(s) is not to leave Missouri nor be sold again under the terms of the test-pending quarantine until released by receipt of official negative test results.

(C) *[Equidae assembled at boarding, breeding or training stables shall be tested negative for EIA within the preceding twelve (12) months. The owner or manager of the premises shall be responsible for maintaining proof of current negative EIA tests for each animal. These records shall be available for inspection by state/federal regulatory personnel.]* **Boarding, Breeding and Training Facilities.**

1. All *equidae* assembled at boarding, training or breeding stables shall be tested negative for EIA within the preceding twelve (12) months;

2. The owner/manager of the premises is responsible for maintaining proof of current negative EIA test for each animal. Since this record is for stable files only and for regulatory personnel inspection a photocopy or facsimile is acceptable in this situation;

(D) *Equidae* owned, leased or rented by a business or public entity *[that congregate with privately owned equidae or other equidae offering the same service must have an official negative EIA test within the preceding twelve (12) months. The owners or managers shall be responsible for maintaining proof of current negative test for each animal being used for the service. These records shall be available for inspection by state/federal regulatory personnel:]*

1. *Equidae* owned, leased or rented by a business or public entity that congregate with privately owned *equidae* or other

equidae offering the same service must have an official negative EIA test within the preceding twelve (12) months.

2. The owners or managers shall be responsible for maintaining proof of current negative test for each animal being used for the service. These records shall be available for inspection by state/federal regulatory personnel.

(E) All managed or sponsored trail rides, rodeos or competitions must require an official negative EIA test within twelve (12) months prior to the event.

1. The manager or sponsor of each assembly or event shall be responsible for ensuring that each animal is accompanied by proof of an official negative EIA test and shall not allow *equidae* not so certified to participate in the event or to congregate with other *equidae*.

2. These records shall accompany the animal and shall be available for inspection by state/federal regulatory personnel as well as show/event personnel establishing compliance with regulation.

3. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may result in assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.

(F) *[The manager of each assembly or event shall be responsible for ensuring that each animal is accompanied by proof of an official negative EIA test and shall not allow animals not so certified to participate in the event or to congregate with other equidae. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may result in assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation. These records shall accompany the equidae and shall be available for inspection by state/federal regulatory personnel.] Any riding, driving, packing, field trials, etc., using equidae on publicly owned forests, parks or trails requires proof of an official negative EIA test within the preceding twelve (12) months by VS Form 10-11 (or later revision) including certified photocopy or certified facsimile of the VS Form 10-11.*

1. A certified photocopy is one obtained from the testing veterinarian or accredited testing laboratory bearing seal or signature in the lower right hand corner along with the date of certification of the photocopy in some ink color other than black.

2. A certified facsimile is one obtained from the testing veterinarian or accredited testing laboratory bearing the facsimile imprint of the origination facility clearly across the top of the page. The form must be complete and legible. It must show the date of transmission either along the top or in the lower right hand corner.

(G) Alteration or substitution of any information on any VS Form 10-11, including certified photocopy and certified facsimile, or Certificate of Veterinary Inspection shall cause the document to be invalid and in violations of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.

(H) Procedures for Handling Missouri EIA Positive *[Animals Equidae]*.

1. Upon notification of a positive EIA test from *[a state/federal approved] any accredited* laboratory, the positive animal(s) will be permanently identified by microchip, quarantined, and isolated at least two hundred (200) yards from any other *equidae*.

2. *[A second test on the positive animals is permissible within thirty (30) days of the first positive test. The second sample will be drawn by state or federal regulatory personnel. The second test sample will be submitted to a Department of Agriculture Animal Health Diagnostic Laboratory. The owner may request that sample be split, and submit one to a private laboratory of their choice at*

their own expense. There will be no laboratory charge for retests of positive or exposed animals submitted to the Department of Agriculture Animal Health Diagnostic Laboratories. If the owner chooses not to test the positive animal a second time, the owner or a representative of the owner must decide within fifteen (15) days the disposition of the positive animal with the following options:] All equidae determined or believed to be exposed to the positive animal will be quarantined, permanently identified by microchip, and blood collected by a state/federal regulatory veterinarian or a licensed accredited deputy veterinarian acting under the direction of the state veterinarian for official EIA testing.

[A. Freeze-branded on the left side of the neck, and sent to slaughter on a VS Form 1-27 shipping permit issued by a state/federal regulatory official; or

B. Euthanasia with a written statement from the attending veterinarian including date and disposition of animal(s); or

C. Freeze-branded, permanently identified and, permanently quarantined, agreeing to abide by all stipulations required by signing MO Form 350-1052.]

3. *[Upon receipt of the second positive test from the state-operated laboratory and the confirmation of the positive test from the National Veterinary Services Laboratory in Ames, Iowa, the owner or a representative of the owner must decide within fifteen (15) days the disposition of the positive animal with the following options:] The original reactor animal is to be tested a second time within thirty (30) days of the first positive test. The second sample will be drawn by state or federal regulatory personnel and will be submitted to a Department of Agriculture Animal Health Diagnostic Laboratory. The owner may request that the sample be split and submit one (1) to a private accredited laboratory of their choice at their own expense. There will be no laboratory charge for retests of positive or exposed animals submitted to the Department of Agriculture Animal Health Diagnostic Laboratories.*

[A. Freeze-branded on the left side of the neck, and sent to slaughter on a VS Form 1-27 shipping permit issued by a state/federal regulatory official; or

B. Euthanasia with a written statement from the attending veterinarian including date and disposition of animal(s); or

C. Freeze-branded, permanently identified and, permanently quarantined, agreeing to abide by all stipulations required by signing MO Form 350-1052.]

4. *[All other equidae owned, managed or leased will be placed under quarantine for forty-five (45) days after removal of the last known positive animal. Two (2) negative tests will be required to be released from quarantine. The first test at the time of exposure, and the second test at the end of the quarantine period. All exposed animals will be identified by electronic microchip. Samples will be drawn by state or federal regulatory personnel and submitted to a Department of Agriculture Animal Health Diagnostic Laboratory (at no charge). These requirements may be waived at the discretion of the state veterinarian. Arrangements must be made through the state veterinarian's office if owners prefer that samples be drawn by their private veterinarian.] Upon confirmation of positive status by a state veterinary laboratory and the National Veterinary Services Laboratory, the positive animal will be freeze-branded on the left side of the neck with an alpha-numeric code that indicates the state of Missouri (by the number 43), EIA positive by (AP), the last digit of the year, followed by the positive EIA case number for that year. The freeze-brand will be a minimum of two inches (2") high and seven (7) characters long.*

5. [Foals from EIA positive dams will acquire passive antibody to EIA in the colostrum and may test positive for more than six (6) months. In these cases, the foal will be quarantined for at least sixty (60) days and have a negative test at the end of the quarantine period before being commingled with other equines.] The owner or a representative of the owner must decide within fifteen (15) days the disposition of the positive animal with the following options:

A. Ship to an approved slaughter establishment on a VS Form 1-27 shipping permit issued by a state/federal official; or

B. Euthanasia with a written statement from the attending veterinarian including date and disposition of the animal(s); or

C. Permanently quarantined, with the owner agreeing to abide by all the stipulations required by signing MO Form 350-1052.

6. All other *equidae* owned/managed or leased will be placed under quarantine for sixty (60) days after removal of the last known positive animal. Two (2) negative EIA tests will be required to be released from quarantine. The first test at the time exposure was discovered and the second test sixty (60) days or later after the removal of the last known positive animal.

A. All exposed animals will be permanently identified by electronic microchip.

B. Blood samples will be drawn by state or federal regulatory personnel and submitted to a Department of Agriculture Animal Health Diagnostic Laboratory (at no charge).

C. Foals from EIA positive mares will acquire passive antibody to EIA in the colostrum and may test positive for more than six (6) months. In these cases, the foal will be quarantined for at least sixty (60) days after weaning and up to one (1) year of age pending negative EIA test results. If the animal is still test-positive by one (1) year of age, it is considered infected and will be handled as such.

7. Violation of quarantine by any person in possession of the positive animal(s) or exposed animal(s) or refusal to test or to allow microchip implanting will be in violation of section 267.603, RSMo and may result in civil penalties not to exceed one thousand dollars (\$1,000) for each violation and penalties not to exceed five hundred dollars (\$500) for each day such person fails to cooperate as required.

(I) [Violation of quarantine or refusal to test will be in violation of section 267.603, RSMo, and may result in civil penalties not to exceed one thousand dollars (\$1,000) for each violation and penalties not to exceed five hundred dollars (\$500) for each day such person fails to implement test as required.] Brucellosis in *Equidae*. All equine showing signs of fistulous withers or poll evil will be tested for brucellosis. Samples must be submitted to the state/federal Brucellosis Diagnostic Laboratory in Jefferson City, Missouri. All positive animals will be shipped to slaughter on a VS Form 1-27 shipping permit or be placed under a special order of quarantine.

[J] Brucellosis in *Equidae*. All equine showing signs of fistulous withers or poll evil will be tested for brucellosis. Samples must be submitted to the state/federal Brucellosis Diagnostic Laboratory in Jefferson City, Missouri. All positive animals will be shipped to slaughter on a VS Form 1-27 shipping permit or be placed under a special order of quarantine.]

AUTHORITY: section 267.645, RSMo [1994] 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 14, 2002.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretagne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE

Division 30—Animal Health

Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition. The director is amending subsections (6)(B)–(G) and adding subsection (6)(H).

PURPOSE: This proposed amendment clarifies the use of certified facsimiles and certified photocopies of Equine Infectious Anemia test chart and makes provisions for *equidae* to exhibit on a six (6)-month passport.

(6) Exhibition Requirements on Horses and Other *Equidae*.

(B) [All organized, managed or sponsored *equidae* shows, rodeos, or competitions will require proof of a negative Equine Infectious Anemia (EIA) test within twelve (12) months prior to the event. An official Certificate of Veterinary Inspection and VS Form 10-11 (or later revision) showing graphic descriptions of all marketings needed for identification must accompany each animal showing—] All *equidae* (except nursing foals accompanied by their dams) must be accompanied by:

1. [Identification and description of all *equidae* listed on the certificate;] A current VS Form 10-11 (or later revision) showing the graphic description of all markings needed for identification.

2. [Negative EIA test date, negative test results, the name of the state/federal approved laboratory and the test accession number assigned by the testing laboratory;] Out-of-state *equidae* must be accompanied by an official Certificate of Veterinary Inspection showing:

A. Identification and description of all *equidae* listed on the certificate; and

B. Negative test results of an official Equine Infectious Anemia (EIA) test within twelve (12) months prior to entry for each animal, the name of the EIA accredited testing laboratory and the test accession number assigned by the laboratory.

[3. Photocopies or facsimile copies of the VS Form 10-11 may be accepted if they are legible and bear certification by the testing veterinarian or testing laboratory that it is an official copy; and

4. Missouri origin *equidae* are exempt from the Certificate of Veterinary Inspection requirement.]

(C) [The board, organization or manager of each assembly or event is responsible for insuring that each animal admitted or participating is accompanied by an official Certificate of Veterinary Inspection showing proof of a negative EIA test, and shall not admit or allow participation of

animals not so certified. Untested animals cannot congregate with other equidae. The owner of each animal is also responsible to comply with these requirements under sections 267.010 to 267.730, RSMo, and may be assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.] A certified photocopy or certified facsimile of the VS Form 10-11 may be accepted for the purpose of travel or exhibition but not for change of ownership (including leasing or gifting).

1. A certified photocopy is one obtained from the testing veterinarian or accredited testing laboratory bearing seal or signature in the lower right hand corner along with the date of certification of photocopy in some ink color other than black.

2. A certified facsimile may be obtained only from the testing veterinarian or accredited testing laboratory and must bear the facsimile imprint of the originating facility clearly across the top of the page. It must also bear the date of the facsimile either along the top or in the lower right hand corner.

(D) [Alteration or substitution of any information on any VS Form 10-11 or Certificate of Veterinary Inspection shall cause the document to be invalid and in violation of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.] For purposes of travel and exhibition, Missouri will accept six (6)-month passports from states with which there is a reciprocal agreement. These passports must meet the following criteria:

1. Proof of negative EIA test within thirty (30) days of the date of application of the passport.

2. Permanent identification for each horse by means of registered brand, legible tattoo, or electronic identification (microchip); to be recorded on the passport and the VS Form 10-11 (or later revision), along with other identifying characteristics.

3. Veterinary inspection.

4. In the event of confirmed vesicular stomatitis in any of the states with which reciprocal agreements exist, use of the six (6)-month passport will be suspended.

(E) [No EIA test is required on suckling foals that are accompanied by their dams. All weaned foals must be tested.] The board, organization or manager of each assembly or event is responsible for insuring that all equidae admitted or participating are accompanied by an official Certificate of Veterinary Inspection or six (6)-month passport, showing proof of a negative EIA test, and shall not admit or allow participation of equidae not so certified. Untested equidae cannot congregate with other equidae. The owner of each animal is also responsible to comply with the requirements under sections 267.010 to 267.730, RSMo, and may be assessed civil penalties not to exceed ten thousand dollars (\$10,000) for each violation.

(F) [Venezuelan Equine Encephalomyelitis (VEE) vaccination is required on all equidae entering from any state in which the disease has been diagnosed within the past twelve (12) months. A special prior permit number must be obtained and also listed on the health Certificate.] Alteration or substitution of any information on any VS Form 10-11 (or later revision), including certified photocopy and certified facsimile or Certificate of Veterinary Inspection shall cause the document to be invalid and in violation of sections 267.010 to 267.730, RSMo, and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.

(G) [Any sick equidae at an exhibition may be excused by the official inspecting veterinarian. When an official inspecting veterinarian is present, all equidae will be subject to daily inspection. Any equidae entering without proper health certification and tests when required will be excused from the show until proper documents and tests are obtained.] Venezuelan Equine Encephalomyelitis (VEE)

vaccination is required within fourteen (14) days of entry on equidae originating from states in which VEE has been diagnosed within the preceding twelve (12) months. An entry permit is also required on equine from those states.

(H) Any sick equidae at an exhibition may be excused by the official inspecting veterinarian. When an official inspecting veterinarian is present, all equidae will be subject to daily inspection. Any equidae entering without proper health certification and test when required will be excused from the show until proper documentation and tests are obtained.

AUTHORITY: section 267.645, RSMo [1994] 2000. Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expired May 10, 2002. Amended: Filed April 10, 2002. Amended: Filed May 14, 2002.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretagne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 6—Livestock Markets

PROPOSED AMENDMENT

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian. The director is amending subsections (5)(B)–(D).

PURPOSE: This proposed amendment clarifies handling of a positive test result disclosed at a livestock market and the necessity of original documentation of EIA test for all equidae presented for sale to prevent and eradicate the spread of diseases that potentially pose a threat to the equine population.

(5) Required Testing and Handling of Equidae.

(B) All equidae presented at [a] any licensed livestock market/sale for the purpose of change of ownership, [whether by sale, trade, or exchange will be identified by backtag provided by the state veterinarian or other method approved by the state veterinarian and recorded on an MO 350-1138 form. Color-coded backtags will be used as follows:] not having proof of an official negative EIA test within the preceding twelve (12) months shall have blood samples for EIA testing collected before the sale at the seller's expense. The animal will sell test-pending with an announcement made at the time of the sale that the animal is under quarantine to the buyer until negative test results are received. The buyer is not to take the animal(s) out of Missouri, nor is that animal to change ownership again until negative test results are received. No equidae will be released from any licensed market/sale without a current, negative EIA test or test-pending quarantine. The market/sale veterinarian will issue a quarantine on all test-pending equidae. One (1) copy of all quarantines and

MO 350-1138 forms completed for each sale will be sent to the state veterinarian's office.

1. *White-Equidae* are being sold with a current negative EIA test; and

2. *Red-Equidae* are being sold EIA test-pending under quarantine.]

(C) All *equidae* [presented] concentrated [at any licensed livestock market/sale] for the purpose of [change of ownership not having proof of an official negative EIA test within the preceding twelve (12) months shall have blood samples for EIA testing collected before the sale at the seller's expense.] sale, trade, exchange or otherwise involved in a change of ownership at a licensed market/sale with proof of a current, official negative EIA test must present the completed VS Form 10-11 (or later revision) test record accurately completed, showing graphic descriptions of all markings needed for identification, to the market veterinarian before the sale. No photocopies or facsimiles of the VS Form 10-11 (or later revision) will be accepted for change of ownership. The [animal will sell test-pending with an announcement made at the time of the sale that the animal is under quarantine to the buyer until negative EIA test results are received. No animal will be released from any licensed market/sale without a current negative EIA test or a test-pending quarantine. The market/sale veterinarian will issue quarantine on all test-pending animals. One (1) copy of all quarantines and MO 350-1138 forms completed for each sale will be sent to the state veterinarian's office.] seller must have the original owner's copy (yellow) of a current negative EIA test shown on a VS Form 10-11 (or later revision), date of bleeding within the previous twelve (12) months. Verification of each animal to the VS Form 10-11 (or later revision) shall be the responsibility of the market veterinarian. If, in the opinion of the market/sale veterinarian, the information shown on the VS Form 10-11 (or later revision) does not match the animal(s) being offered for sale, or the test form has been altered, the market veterinarian shall confiscate the form; mark the document "invalid" and the animal(s) will be tested at the seller's expense prior to sale.

(D) All *equidae* [concentrated for the purpose of sale, trade, exchange or otherwise involved in a change of ownership at a licensed market/sale with proof of a current, official negative EIA test must present the completed VS Form 10-11 (or later revision) test record accurately completed, showing graphic descriptions of all markings needed for identification to the market veterinarian before the sale. Verification of animal(s) to the VS Form 10-11 (or later revision) shall be the responsibility of the market veterinarian. If, in the opinion of the market veterinarian, the information shown on the VS Form 10-11 (or later revision) does not match the animal being offered for sale, or the test form has been altered, the market veterinarian shall confiscate the form, mark the document "invalid," and the animal will be tested at the seller's expense prior to sale. All confiscated forms shall be sent to the state veterinarian's office.] presented at a licensed livestock market/sale for the purpose of change of ownership, whether by sale, trade or exchange will be identified by backtag provided by the state veterinarian or other method approved by the state veterinarian and recorded on a MO 350-1138 form. Color-coded backtags will be used as follows:

1. *White-Equidae* are being sold with a current negative EIA test; and

2. *Red-Equidae* are being sold EIA test-pending under quarantine to the buyer not to leave Missouri nor change ownership until buyer receives negative test results.

AUTHORITY: section 277.160, RSMo [Supp. 1998] 2000. Original rule filed June 15, 1990, effective Dec. 31, 1990. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expired May 10, 2002. Amended: Filed April 10, 2002. Amended: Filed May 14, 2002.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Division of Animal Health, Bretaigne Jones, D.V.M., Veterinarian II, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.130 Owner May Protect Property. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment provides more flexibility for wildlife damage control businesses.

(1) Subject to federal regulations governing the protection of property from migratory birds, any wildlife except deer, turkey, black bears and any endangered species which beyond reasonable doubt is damaging property may be captured or killed by the owner of the property being damaged, or by his/her representative, at any time and without permit, but only by shooting or trapping except by written authorization of the director or, for avian control, of his/her designee. **Wildlife may be so controlled only on the owner's property to prevent further damage.**

(2) Except as otherwise authorized by an agent of the department—

(A) [u/Use of traps shall be in compliance with 3 CSR 10-8.510. **Wildlife may be so controlled only on the owner's property to prevent further damage.**]

(B) [w/Wildlife so captured or killed must be reported to an agent of the department within twenty-four (24) hours **and shall be disposed of only in accordance with his/her instructions**].

(3) **Wildlife captured or killed shall be disposed of only in accordance with the instructions of an agent of the department.**

(4) Deer, turkey, black bears and endangered species that are causing damage may be killed only with the permission of an agent of the department and by method authorized by him/her. Mountain lions attacking or killing livestock or domestic animals, or attacking human beings, may be killed without prior permission, but the kill must be reported immediately to an agent of the department and the mountain lion carcass must be surrendered to him/her within twenty-four (24) hours.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED RULE

3 CSR 10-4.141 Right to Possess Wildlife

PURPOSE: This rule prohibits individuals from keeping wildlife taken illegally or while trespassing.

Any person in possession of wildlife that was taken in violation of any rule or regulation of this Code, or while in violation of the trespass statutes of the state of Missouri, shall have no right to possession of said wildlife.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The commission proposes to amend subsections (1)(A) and (F) and delete subsection (1)(J) of this rule and reletter the remaining subsections.

PURPOSE: This amendment restricts permit exemptions for landowners to residents only and provides an age range for youth to participate in special youth-only hunts.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(A) A **resident** landowner or lessee, as defined in this Code, may hunt, trap or fish as prescribed in Chapters 6, 7 and 8 without permit (except landowner deer hunting permit and migratory bird hunting permit as prescribed), but only on land s/he owns or, in the case of the lessee, upon which s/he resides, and may transport and possess wildlife so taken.

(F) Any person **at least six (6) and under [twelve (12)] sixteen (16)** years of age may purchase a Youth Deer and Turkey Hunting Permit without display of a hunter education certificate card, and may take one (1) *[antlered]* deer **of either sex** statewide, *[for one (1) antlerless deer in a deer management unit where any-deer permits are issued,]* during *[any portion of]* the firearms deer hunting seasons except that only an antlerless deer may be taken in *[units]* seasons open *[during the January portion of the firearms deer hunting season]* **only to antlerless deer**; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; provided, s/he is hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card. Youth Deer and Turkey Hunting Permit holders attaining the age of eleven (11) during the prescribed permit year, and who have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkey taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits.

[(J)] **The director may issue special authorization to persons with disabilities to pursue and take wildlife by methods not prescribed in the hunting and fishing rules if the disability prevents hunting or fishing by prescribed methods.]**

[(K)] **(J)** For educational purposes, the director may waive fishing permit or tag requirements for specified periods at specified sites and may authorize fishing in restricted waters.

[(L)] **(K)** Any resident of Missouri having a visual acuity not exceeding 20/200 in the better eye with maximum correction, or having twenty degrees (20°) or less field of visual concentric contraction, and any resident who is so severely and permanently disabled as to be unable to move freely without the aid of a wheelchair, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he carries a certified statement of eligibility from a licensed ophthalmologist or optometrist or from a licensed physician.

[(M)] **(L)** Any resident of Missouri with cerebral palsy or mental retardation as defined in section 630.005, RSMo, and who is so severely disabled that s/he cannot fish alone, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed); provided, while fishing s/he is accompanied by a licensed adult fisherman and possesses a certified statement of eligibility from a licensed physician qualified to evaluate and treat the developmentally disabled.

[(N)] **(M)** Any honorably discharged resident veteran having a service-related disability of sixty percent (60%) or greater, or who was a prisoner of war during military service, may take fish, live bait, clams, mussels, turtles and frogs as provided in Chapter 6 without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife as provided in Chapter 7 without permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit as prescribed); provided, while hunting or fishing s/he carries a certified statement of eligibility from the Veterans Administration.

[(O)] (N) Any Missouri resident who is the owner of land that wholly encloses a body of water, or any member of his/her immediate household, may fish without permit in those waters. In the case of corporate ownership, this privilege shall apply to those corporate owners whose domicile is on such corporate-owned land.

[(P)] (O) Any person may fish without permit, trout permit and prescribed area daily tag during free fishing days. Free fishing days are the Saturday and Sunday following the first Monday in June.

[(Q)] (P) A customer or guest of a licensed trout fishing area may fish for trout without permit (see 3 CSR 10-9.645).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable. The commission proposes to amend section (2) of this rule.

PURPOSE: This amendment establishes a minimum age and increases the maximum age for eligibility to purchase a Youth Deer and Turkey Hunting Permit.

(2) A permit for the taking of wildlife may be issued only to an individual and may be used only by the individual to whom it is issued. No permit, application for permit, method exemption, Missouri Conservation Heritage Card or special hunting or fishing tag may be loaded, predated, falsified, altered or misrepresented in any manner, except that a Missouri Conservation Heritage Card may be presented by another to purchase permits on behalf of the person named thereon. No firearms hunting permit shall be issued without containing the hunter education certificate card number; except that a Youth Deer and Turkey Hunting Permit may be issued to persons **at least six (6) and under [twelve (12)] sixteen (16)** years of age without requiring display of a hunter education certificate card.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.225 Permits: Permit Issuing Agents; Service Fees; Other Provisions. The commission proposes to amend section (6) of this rule.

PURPOSE: This amendment establishes a minimum age and increases the maximum age of those eligible to obtain a Youth Deer and Turkey Hunting Permit.

(6) Firearms hunting permits may not be sold to any persons born on or after January 1, 1967, unless an approved hunter education certificate card is displayed, or hunter education certification can be verified through direct access to computer data files; except that Youth Deer and Turkey Hunting Permits may be sold to persons **at least six (6) and under [twelve (12)] sixteen (16)** years of age without requiring display of a hunter education certificate card.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 26, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED RESCISSION

3 CSR 10-5.350 Resident Firearms Deer Hunting Permit. This rule provided for the pursuit, taking and transporting of antlered deer statewide during firearms deer hunting season.

PURPOSE: This rule is being rescinded as it is duplicated in provisions of 3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.265. This version of rule filed

July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed May 9, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment addresses the addition of a statewide any-deer hunting permit and elimination of the firearms deer hunting permit.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. Fee: eleven dollars (\$11).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.353 Resident Firearms Second Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment addresses the addition of a statewide any-deer hunting permit and elimination of the firearms deer hunting permit.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.425 [Urban] Antlerless-Only Archery Deer Hunting Permit. The commission proposes to amend the title of this rule.

PURPOSE: This amendment changes the title of the rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.460 Licensed [Shooting Area] Hunting Preserve Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment renames licensed shooting area to licensed hunting preserve.

To pursue, take, possess and transport pheasants, exotic partridges, quail and ungulates (hoofed animals) from a licensed [shooting area] hunting preserve. Fee: ten dollars (\$10).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.285. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.465 Three-Day Licensed [Shooting Area] Hunting Preserve Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment renames licensed shooting area to licensed hunting preserve.

To pursue, take, possess and transport pheasants, exotic partridges, quail and ungulates (hoofed animals) from a licensed [shooting area] **hunting preserve**. Fee: five dollars (\$5) for three (3) consecutive days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.287. Original rule filed June 25, 1979, effective Oct. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RESCISSION

3 CSR 10-5.550 Nonresident Firearms Deer Hunting Permit. This rule provided for the pursuit, taking and transporting of antlered deer statewide during firearms deer hunting season.

PURPOSE: This rule is being rescinded as it is duplicated in provisions of 3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.280. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 4, 2002. Rescinded: Filed May 9, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment addresses the addition of a statewide any-deer permit, elimination of the firearms deer hunting permit, and raises the price of the permit.

To pursue, take, possess and transport [an antlered deer statewide or] a deer of either sex [in a specified deer management unit] **statewide** during the firearms deer hunting season/s/. Fee: one hundred forty-five dollars (\$145); except that for residents of states bordering Missouri where the total cost for a nonresident to hunt deer is in excess of one hundred twenty-five percent (125%) of Missouri's deer hunting permit cost, the fee for those states' residents hunting in Missouri shall be one hundred seventy dollars (\$170). These states include: Iowa, Illinois, Kansas and Oklahoma.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed Aug. 30, 2001, effective March 20, 2002. Amended: Filed Feb. 4, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies the requirement for buying a nonresident any-deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus permit before a nonresident second bonus permit may be purchased.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. **A Nonresident Firearms Any-Deer Hunting Permit is required as a prerequisite to this permit.** Fee: seventy-five dollars (\$75).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.553 Nonresident Firearms Second Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies the requirement for buying a nonresident any-deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus permit before a nonresident second bonus permit may be purchased.

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting season/s/. **A Nonresident Firearms First Bonus Permit is required as a prerequisite to this permit.** Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes the fee for nonresident managed deer hunting permits for residents of bordering states whose fees for nonresident any-deer hunting permits is in excess of 125% of what Missouri charges nonresidents.

To pursue, take, possess and transport deer during a prescribed managed deer hunt. Fee: one hundred forty five dollars (\$145); **except that for residents of states bordering Missouri where the total cost for a nonresident to hunt deer is in excess of one hundred twenty-five percent (125%) of Missouri's deer hunting permit cost, the fee for those states' residents hunting in Missouri shall be one hundred seventy dollars (\$170).** These states include: Iowa, Illinois, Kansas and Oklahoma.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed Aug. 30, 2001, effective March 30, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED RESCISSION

3 CSR 10-5.575 Nonresident Landowner Firearms Deer Hunting Permit. This rule provided for the pursuit, taking and transporting of antlered deer statewide during firearms deer hunting season.

PURPOSE: This rule is being rescinded as it is duplicated in provisions of 3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Rescinded: Filed May 9, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment addresses the addition of a statewide any-deer permit and elimination of the firearms deer hunting permit.

To pursue, take, possess and transport [an antlered deer from qualifying land statewide or] a deer of either sex [in a specified deer management unit] from qualifying land statewide during the firearms deer hunting season by nonresident landowners as defined in this Code. Fee: seventy-five dollars (\$75).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies the requirement for buying a nonresident any deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus

permit before a nonresident second bonus permit may be purchased.

To pursue, take, possess and transport an antlerless deer from qualifying land in a specified deer management unit during the firearms deer hunting season, by nonresident landowners as defined in this Code. **A Nonresident Landowner Firearms Any-Deer Hunting Permit is required as a prerequisite to this permit.** Fee: forty dollars (\$40).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.578 Nonresident Landowner Firearms Second Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies the requirement for buying a nonresident any deer permit before a nonresident first bonus permit may be purchased, and for buying a nonresident first bonus permit before a nonresident second bonus permit may be purchased.

To pursue, take, possess and transport an antlerless deer from qualifying land in a specified deer management unit during the firearms deer hunting season by nonresident landowners as defined in this Code. **A Nonresident Landowner Firearms First Bonus Deer Hunting Permit is required as a prerequisite to this permit.** Fee: twenty-five dollars (\$25).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The commission proposes to amend sections (2) and (4).

PURPOSE: This amendment modifies the reciprocal fishing privileges of persons licensed by the state of Kansas.

(2) Permits Required.

(B) Any person possessing a valid sport fishing license issued by the state of Kentucky[, or Arkansas *[or Kansas]*, or who is legally exempted from those license requirements, without further permit or license, may fish in the flowing portions of the Mississippi[, or St. Francis *[or Missouri]* rivers within the boundary of Missouri adjacent to the state where that person is licensed.

(C) Any person possessing a valid sport fishing license issued by the state of Illinois, Tennessee, **Kansas** or Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish in the Mississippi and Missouri rivers and their backwaters within the boundary of Missouri adjacent to the state where that person is licensed. These persons may also fish in the Missouri portion of any oxbow lakes through which the state boundary passes.

(4) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

(B) Regulations of the state where the person is licensed shall apply in Arkansas boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, Tennessee, Nebraska and Kansas boundary waters. Persons licensed in Illinois, Tennessee, **Kansas** and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

(D) Persons licensed in Arkansas[, *Kansas,*] or Kentucky may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

(E) Persons licensed in Illinois, Tennessee, **Kansas** or Nebraska may fish from or attach devices or equipment to land under the jurisdiction of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The commission proposes to add section (14).

PURPOSE: This amendment provides for special authorization from the director for persons with disabilities to take certain types of aquatic species.

(14) The director may issue special authorization to properly licensed persons with disabilities to pursue and take fish, mussels and clams, bullfrogs and green frogs, turtles and live bait by methods not prescribed in this chapter and Chapters 11 and 12 if the disability prevents fishing by prescribed methods.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.415 Restricted Zones. The commission proposes to amend sections (1) and (3).

PURPOSE: This amendment establishes a two hundred twenty-five feet (225') no-fishing zone on the Osage River immediately below Bagnell Dam.

(1) The following zones are closed to all fishing:

(E) Osage River within two hundred twenty-five feet (225') below Bagnell Dam.

[(E)] (F) Osage River/Lake of the Ozarks within five hundred twenty-five feet (525') on the left descending bank and nine hundred seventy-seven feet (977') on the right descending bank below Truman Dam in the U.S. Army Corps of Engineers' restricted zone.

[(F)] (G) St. Francis River within two hundred twenty-five feet (225') below Wappapello Dam.

(3) Fish may be taken by all prescribed methods except trotlines, throwlines and limb lines from:

(B) Osage River from the no-fishing zone below Bagnell Dam to U.S. Highway 54. Snagging, snaring and grabbing are also excluded in this zone.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.540 Walleye and Sauger. The commission proposes to amend sections (1) and (4).

PURPOSE: This amendment opens the St. Francis River and its tributaries to the harvest of walleye and sauger and establishes an eighteen inch (18") minimum length limit on these species on these waters.

(1) Daily Limit: Four (4) in the aggregate, except:
[(B) On the waters of Wappapello Lake and its tributaries, including the St. Francis River and its tributaries above Wappapello Dam, all walleye and sauger must be returned to the water unharmed immediately after being caught.]

(4) Length Limits: All walleye and sauger less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught, except:

(A) All walleye and sauger less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught from Bull Shoals Lake and its tributaries, Current River and its tributaries, Eleven Point River and its tributaries, Long Branch Lake, Norfork Lake and its tributaries [and], Table Rock Lake and Wappapello Lake and its tributaries including the St. Francis River and its tributaries above Wappapello Dam.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments

must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The commission proposes to add one section and amend sections (1) and (3).

PURPOSE: This amendment eliminates the daily limit on certain non-native fishes, and establishes restrictions on the handling and use of bowfin and shovelnose sturgeon and their eggs.

(1) Daily Limit: The daily limit for fish, other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish, is fifty (50) in the aggregate, if taken by pole and line, trotline, throwline, limb line, bank line, jug line or underwater spearfishing. The daily limit if taken by gig, longbow, crossbow, snaring, snagging, grabbing and falconry is twenty (20) in the aggregate. **Bighead carp, common carp, goldfish, grass carp and silver carp may be taken and possessed in any number.**

(B) In the Mississippi River, the daily and possession limit for fish included in this rule, **except bighead carp, common carp, goldfish, grass carp and silver carp**, is one hundred (100) in the aggregate.

(3) Fish taken under this rule may be used as bait; **except that bowfin and shovelnose sturgeon, or parts thereof (including eggs), may not be used as bait.**

(4) Bowfin and shovelnose sturgeon must remain whole and intact while on waters of the state or adjacent banks.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.605 Live Bait. The commission proposes to amend section (1).

PURPOSE: This amendment eliminates the daily limit on certain non-native fishes.

(1) Daily Limit: In the aggregate, one hundred fifty (150) crayfish, freshwater shrimp, frogs (except bullfrogs and green frogs), tiger salamander larvae and those species of fish not defined as game fish in 3 CSR 10-11/20.805, except that bighead carp, common carp, goldfish, grass carp and silver carp may be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The commission proposes to amend subsection (1)(M) and add subsections (1)(O) and (1)(P).

PURPOSE: This amendment clarifies baiting; provides for special authorization from the director for persons with disabilities to take certain types of wildlife; and, requires all hunters except those hunting migratory game birds to wear hunter (fluorescent) orange during the youth-only, November, and antlerless-only portions of the firearms deer hunting season.

(1) Wildlife may be hunted and taken only in accordance with the following:

(M) *[During and ten (10) days prior to migratory bird, turkey and deer hunting seasons,]* *[n]* No person shall place or scatter grain or other food items in a manner that *[it]* subjects any hunter to violation of baiting rules, as defined by federal regulations and in 3 CSR 10-7.435 and 3 CSR 10-7.455 of this Code.

(O) Any properly licensed person having a physical disability that would prevent them from hunting or taking wildlife by methods prescribed in this chapter, may attempt to take wildlife from a stationary vehicle, or may hunt wildlife with a crossbow in lieu of a longbow, provided while hunting s/he carries an affidavit provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt with a crossbow and/or from a stationary vehicle. This disabled person shall provide a copy of the signed affidavit to the department within ten (10) days of receiving the exemption.

(P) Hunter Orange. During the youth-only, November, and antlerless-only portions of the firearms deer hunting season, all hunters shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This require-

ment shall not apply to migratory game bird hunters, to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited, to hunters on federal or state public hunting areas where deer hunting is restricted to archery methods, or to hunters in closed deer management units during the antlerless-only portion of the firearms deer hunting season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The commission proposes to amend subsections (1)(A), (B) and (D).

PURPOSE: This amendment increases the maximum age of youth eligible to purchase a Youth Deer and Turkey Hunting Permit.

(1) Turkeys may be pursued, taken, killed, possessed or transported only as permitted in this rule.

(A) Spring Season. Spring season annually will begin on the Monday closest to April 21. A person possessing the prescribed turkey hunting permit may take turkeys according to the season length and bag limit established annually by the Conservation Commission; except that a person at least six (6) and under *[twelve (12)]* sixteen (16) years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) male turkey or turkey with visible beard during the season. Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

(B) Fall Firearms Season. Fall season annually will begin on the second Monday in October and be fourteen (14) days in length. A person possessing the prescribed turkey hunting permit may take two (2) turkeys of either sex during the season; provided, only one (1) turkey may be taken during the first seven (7) days of the season, and only one (1) turkey may be taken per day; except that a person at least six (6) and under *[twelve (12)]* sixteen (16) years of age who possesses a Youth Deer and Turkey Hunting Permit may take only one (1) turkey of either sex during the season. Turkeys may be taken only by shotgun with shot no larger than No. 4 or longbow; without the use of dogs, bait, recorded calls or live decoys; from one-half (1/2) hour before sunrise to sunset in all counties except: Dunklin, McDonald, Mississippi, New Madrid,

Newton, Pemiscot and Scott. Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys. A person, while in the act of pursuing or hunting turkey on a fall firearms permit, shall not have both a firearm and longbow on his/her person.

(D) Youth Spring Season. The **two (2)-day Youth Spring Season** will begin annually on the Saturday nine (9) days prior to the Monday opening of the Spring Season. A Missouri resident possessing a Youth Deer and Turkey Hunting Permit or the prescribed turkey hunting permit and who is **[15] at least six (6) and under sixteen (16) years of age [or less]** on the opening day of the Youth Spring Season may take only one (1) male turkey or turkey with visible beard during the Youth Spring Season. A turkey harvested during the Youth Spring Season will count towards an individual's Spring Season bag limit; individuals hunting under the prescribed turkey hunting permit may not harvest a second bird during the first week of the Spring Season. Turkeys may be taken only by shotgun with shot no larger than No. 4, or longbow, without the use of dogs, bait, recorded calls or live decoys, from one-half (1/2) hour before sunrise to 1:00 p.m. Central Daylight Time (CDT). Possession of shotshells loaded with shot larger than No. 4 is prohibited while hunting turkeys.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.510 Use of Traps. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes the frequency with which killer-type (Conibear-type traps) must be visited.

Traps shall be metal traps with smooth or rubber jaws only, Egg-type traps, live traps or snares set under water only, but shall not include pitfalls, deadfalls, snares set in a dryland set, nets and colony traps. Traps and snares shall be plainly labeled, on durable material, with the user's full name and address *[and shall be attended daily]*. **Wildlife shall be removed or released from all traps daily, except for killer (Conibear-type) traps set under water, and they shall be attended and wildlife removed at least once every forty-eight (48) hours.** Traps may not be set in paths made or used by persons or domestic animals and Conibear-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, **only** traps may not be set within one hundred fifty feet (150') of any residence or occupied building located within the established bound-

aries of cities or towns containing ten thousand (10,000) or more inhabitants. No killer or Conibear-type trap with a jaw spread greater than five inches (5") shall be used in any dryland set but these traps may be set under water and traps with a jaw spread not greater than eight inches (8") may be set six feed (6') or more above ground level in buildings. Snares must have a loop fifteen inches (15") or less in diameter when set and must have a stop device that prevents the snare from closing to less than two and one-half inches (2 1/2") in diameter. Snares must be constructed of cable that is at least five sixty-fourth inches (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel. Homes, dens or nests of furbearers shall not be molested or destroyed.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.515 Furbearers: Trapping Seasons. The commission proposes to amend section (7) of this rule.

PURPOSE: This amendment modifies the length of time red fox, gray fox, and coyotes may be held after capture; modifies the privileges of the Hound Running Operator and Dealer Permit; and, allows trappers who have constructed holding facilities as prescribed in 3 CSR 10-9.220 to house and sell live coyotes and foxes throughout the year.

(7) Red fox, gray fox and coyotes may be taken alive during established seasons by prescribed methods and held in captivity. They may not be exported and may only be sold or given to holders of a valid Hound Running Area Operator's Permit. Red fox and gray fox may not be possessed after February 4; coyotes may not be possessed after February 25. These animals may be held for no longer than *[twenty-four (24)] seventy-two (72)* hours after capture, except when confined in facilities and cared for as specified in 3 CSR 10-9.220, **and after approval by an agent of the department.** Complete and current records of all transactions must be maintained showing the county of origin, the species, date captured, date of transfer and name and permit number of the hound running area operator/dealer receiving each individual animal. These records shall be kept on forms provided by the department and submitted to **an agent of the department** by March 15. Records shall be made available for inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED RULE

3 CSR 10-9.106 Confined Wildlife Permits: How Obtained, Replacements

PURPOSE: This rule moves the language in 3 CSR 10-9.630 to the beginning of Chapter 9 for easier reference and better organization.

Confined wildlife permits and replacements for them may be issued only through the department office in Jefferson City upon receipt of proper application and the required permit fee. A service fee of three dollars (\$3) is required for a replacement confined wildlife permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.630. Original rule Filed May 9, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend section (3).

PURPOSE: This amendment clarifies tiger salamander larvae; establishes receipt requirements in order to possess extracted fish eggs; establishes record-keeping requirements for the sellers of aquatic animals and extracted fish eggs; establishes a means by which privately-owned impoundments that are classified as waters of the state by virtue of being stocked by the state may be used for certain aquaculture activities; and, adds the freshwater prawn to the Approved Species list.

(3) Fish, **tiger salamander larvae and crayfish [and salamanders]** may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method providing—

(A) That person has in his/her possession a dated, written statement showing the number or [quantity] **weight** of each species **and the weight of extracted fish eggs (raw or processed) of each species**, as proof that such animals **or fish eggs** were obtained from other than waters of the state or from a licensed commercial fisherman, provided that animals **or fish eggs** from outside the state were legally obtained from a commercial source.

(B) That person shall keep a dated receipt that includes the number or weight of each species and the weight of extracted fish eggs (raw or processed) of each species, that were sold or given away and the name, address and signature of the recipient. These receipts shall be retained for three (3) years and shall be made available for inspection by an authorized agent of the department at any reasonable time.

[(B)](C) That person is in compliance with all provisions of the *Wildlife Code of Missouri* pertaining to importation, purchase, or sale of endangered species, and importation of live fish or viable fish eggs of the family *Salmonidae*.

[(C)](D) That the privileges of this section do not apply to taking or possession in, on or from waters of the state, waters stocked by the state, or waters subject to movements of fishes into and from waters of the state, except:

1. Animals defined as live bait and possessed under provisions of this section may be possessed on the waters of the state for use as live bait.

2. Fish cultured by a commercial fish producer that remain in a man-made impoundment following inundation by flooding from waters of the state as defined in this Code shall be considered the property of the impoundment owner; provided the remaining fish species are the same as were present in the impoundment prior to inundation. Any other fish species in the impoundment shall be considered the property of the state and not available for sale, and shall be returned unharmed immediately to the waters of the state when harvested.

3. With the written authorization of the director, a privately-owned impoundment that is entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and that is designated as waters of the state, may be used for the commercial production of species listed in the Approved Aquatic Species List in 3 CSR 10-9.110 (3)(E) that were not stocked by the department, provided that:

A. The impoundment owner has in his/her possession a dated, written statement showing the number or weight of each species stocked as proof that such animals were legally obtained from other than waters of the state or from a licensed commercial fisherman.

B. The species being produced may be harvested by the methods and under the conditions specified in the director's written authorization. All other species caught during culture activities must be returned unharmed immediately to the water.

C. Statewide seasons, methods and limits apply for all other species.

((D))/(E) That the privileges of this section apply only to species listed in the Approved Aquatic Species List (including all subspecies, varieties and hybrids of the same bought, sold, transported, propagated, taken and possessed for purposes of aquaculture), species frozen or processed for sale as food products, species incapable of surviving in fresh water, species held only in aquaria or other closed containers having water discharged only into approved municipal waste treatment facilities or on-site waste treatment systems that include sand filtration or chlorination, or with written authorization of the director.

1. Fishes.

- A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)
- B. Paddlefish (*Polyodon spathula*)
- C. Spotted gar (*Lepisosteus oculatus*)
- D. Longnose gar (*Lepisosteus osseus*)
- E. Shortnose gar (*Lepisosteus platostomus*)
- F. Bowfin (*Amia calva*)
- G. Gizzard shad (*Dorosoma cepedianum*)
- H. Threadfin shad (*Dorosoma petenense*)
- I. Rainbow trout (*Oncorhynchus mykiss*)
- J. Golden trout (*Oncorhynchus aquabonita*)
- K. Cutthroat trout (*Oncorhynchus clarkii*)
- L. Brown trout (*Salmo trutta*)
- M. Brook trout (*Salvelinus fontinalis*)
- N. Coho salmon (*Oncorhynchus kisutch*)
- O. Northern pike (*Esox lucius*)
- P. Muskellunge (*Esox masquinongy*)
- Q. Goldfish (*Carassius auratus*)
- R. Grass carp (*Ctenopharyngodon idella*)
- S. Common carp (*Cyprinus carpio*)
- T. Golden shiner (*Notemigonus crysoleucas*)
- U. Bluntnose minnow (*Pimephales notatus*)
- V. Fathead minnow (*Pimephales promelas*)
- W. Blue Sucker (*Cycleptus elongatus*)
- X. Bigmouth buffalo (*Ictiobus cyprinellus*)
- Y. Black bullhead (*Ameiurus melas*)
- Z. Yellow bullhead (*Ameiurus natalis*)
- AA. Brown bullhead (*Ameiurus nebulosus*)
- BB. Blue catfish (*Ictalurus furcatus*)
- CC. Channel catfish (*Ictalurus punctatus*)
- DD. Flathead catfish (*Pylodictis olivaris*)
- EE. Mosquitofish (*Gambusia affinis*)
- FF. White bass (*Morone chrysops*)
- GG. Striped bass (*Morone saxatilis*)
- HH. Green sunfish (*Lepomis cyanellus*)
- II. Pumpkinseed (*Lepomis gibbosus*)
- JJ. Warmouth (*Lepomis gulosus*)
- KK. Orangespotted sunfish (*Lepomis humilis*)
- LL. Bluegill (*Lepomis macrochirus*)
- MM. Longear sunfish (*Lepomis megalotis*)
- NN. Redear sunfish (*Lepomis microlophus*)
- OO. Smallmouth bass (*Micropterus dolomieu*)
- PP. Spotted bass (*Micropterus punctulatus*)
- QQ. Largemouth bass (*Micropterus salmoides*)
- RR. White crappie (*Pomoxis annularis*)
- SS. Black crappie (*Pomoxis nigromaculatus*)
- TT. Yellow perch (*Perca flavescens*)
- UU. Sauger (*Stizostedion canadense*)
- VV. Walleye (*Stizostedion vitreum*)
- WW. Freshwater drum (*Aplodinotus grunniens*)
- XX. Bighead carp (*Hypophthalmichthys nobilis*)

2. Crustaceans.

- A. Freshwater prawn (*Macrobrachium rosenbergii*)
- [A./ B. Northern crayfish (*Orconectes virilis*)
- [B./ C. White river crayfish (*Procambarus acutus*)
- [C./ D. Red swamp crayfish (*Procambarus clarkii*)

3. Amphibians.

- A. Tiger salamander larvae (*Ambystoma tigrinum*)

(4) Live fish, their eggs and gametes of the family *Salmonidae* (trouts, char, salmon) may be imported to the state only by the holder of a fish importation permit and any other appropriate state permit. This importation permit shall be issued at no charge, for each shipment, to a person who has applied upon a special form furnished by the department which is *[incorporated into this rule by reference]* **included herein**, if this application is received not less than fifteen (15) nor more than eighty (80) days prior to the shipment, and if the shipment is considered not detrimental to the fisheries resources of the state. This permit will be issued only if the immediate source of the importation is certified negative for Viral Hemorrhagic Septicemia, Infectious Pancreatic Necrosis, Infectious Hematopoietic Necrosis, *Myxobolus cerebralis*, or other diseases which may threaten fish stocks within the state. Certification will only be accepted from federal, state or industry personnel approved by the department and only in accordance with provisions on the permit application form. Fish, eggs and gametes imported under this permit are subject to inspection by authorized agents of the department and this inspection may include removal of reasonable samples of fish or eggs for biological examination.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.220 Wildlife Confinement Standards. The commission proposes to amend sections (1), (3), (4), (5) and (6).

PURPOSE: This amendment provides clarification that certain standards of care apply to both Class I and Class II wildlife, including mobile, temporary and exhibit facilities.

(1) Cages, pens or other enclosures for confining wild animals shall be well braced, securely fastened to the floor or ground, covered with a top as required and constructed with material of sufficient strength to prevent escape. Animals must be confined at all times in cages, pens, or enclosures except in lead or drag races or birds held under a falconry permit. Except for unweaned young, Class II wildlife and bobcat, American badger, coyote, red fox and gray fox may not roam freely anywhere within a residence or inhabited dwelling. **The following requirements shall be met:**

(A) Clean drinking water shall be available in adequate amounts at all times. Semiaquatic animals, such as beaver and muskrat, shall be provided a pool of sufficient water depth for the animal to completely submerge.

(B) A shelter shall be provided for security and protection from inclement weather. Shade or an overhead structure shall be provided in warm seasons.

(C) Captive wildlife shall be fed daily or as required with a diet appropriate to the species and the age, size and condition of the animal. Feeding containers shall be kept clean and uneaten food removed within a reasonable time.

(D) Animal wastes shall be removed daily and disposed of properly. If bedding is provided, it shall be cleaned out and replaced every two (2) weeks.

(3) Cages, pens or other enclosures for confining Class II wildlife shall be constructed to prevent direct physical contact with the public. At a minimum, this may be accomplished by a secondary barrier of wire mesh no smaller than eleven and one-half (11 1/2) gauge with openings of no more than nine (9) square inches, with a minimum distance of three feet (3') between animal cage and public and a minimum height of six feet (6'). Doors shall remain locked at all times with appropriate locks and chains. Enclosures shall be constructed with a den, nest box or connected housing unit that can be closed off and locked with the animal inside, or be a divided cage with a door between the compartments, to allow servicing and cleaning. The enclosure mesh size or spacing of bars shall be sufficient to prevent escape. A barrier system of wet or dry moats or structures, as approved by the American Association of Zoological Parks and Aquariums, will meet these requirements. *[Restraint by tethering only is prohibited for Class II animals.]*

(B) Cages, pens or other enclosures for Class II wildlife shall meet the standards outlined in Appendix A of this rule, which is included herein.

[(C) Mobile temporary exhibit and exotic animal auction/sale facilities used to confine Class II wildlife for no more than fourteen (14) days shall meet the following criteria:

1. Facilities shall be designed to prevent direct physical contact by the public and constructed of steel or case hardened aluminum of sufficient size to ensure that each animal or compatible groups of animals can stand erect, turn about freely and lie naturally. The structural strength of the facility shall be sufficient to contain the wildlife and to withstand the normal rigors of transportation. Doors shall be locked, but easily accessible at all times for emergency removal of the wildlife.

2. Facilities shall be designed to provide fresh air, free from injurious drafts and engine exhaust fumes, with adequate protection from the elements, and with emergency removal openings.

3. Venomous reptiles shall only be transported in a strong escape-proof enclosure capable of withstanding a strong impact. Enclosures shall be locked and prominently labeled with the owner's full name, address, telephone number, list of species being transported, and a sign labeled VENOMOUS.

(4) In addition, the following requirements shall be met:

(A) Clean drinking water shall be available in adequate amounts at all times. Semiaquatic animals, such as beaver and muskrat, shall be provided a pool of sufficient water depth for the animal to completely submerge.

(B) A shelter shall be provided for security and protection from inclement weather. Shade or an overhead structure shall be provided in warm seasons.

(C) Captive mammals and birds shall be fed daily with a diet appropriate to the species and the age, size and condition of the animal. Feeding containers shall be kept clean and uneaten food removed within a reasonable time.

(D) Animal wastes shall be removed daily and disposed of properly. If bedding is provided, it shall be cleaned out and replaced every two (2) weeks.]

(4) Care of captive turtles shall meet requirements set out in section (1). At least ten (10) gallons of water shall be provided for each adult aquatic turtle over four inches (4") in shell length, and three (3) gallons of water shall be provided for each hatchling or turtle under four inches (4") in shell length. At least four (4) square feet of ground space shall be provided for each box turtle over three inches (3") in shell length and one (1) square foot of ground space shall be provided for each hatchling or turtle under three inches (3") in shell length.

(5) Mobile temporary exhibit and wildlife auction/sale facilities may be used to confine wildlife for no more than fourteen (14) days and shall meet the following criteria:

(A) Facilities shall be of sufficient size to ensure that each animal or compatible groups of animals can stand erect, turn about freely and lie naturally. Facilities shall be designed to provide fresh air, be free from injurious drafts and engine exhaust fumes, and provide adequate protection from the elements. The structural strength of the facilities shall be sufficient to contain the wildlife and to withstand the normal rigors of transportation.

(B) Class I wildlife facilities shall contain doors that are locked when unattended, but easily accessible at all times for emergency removal of the wildlife.

(C) Facilities for Class II wildlife and bobcat, American badger, coyote, red fox and gray fox shall be designed to prevent direct physical contact by the public and constructed of steel or case hardened aluminum. Facilities must have at least two (2) openings which are easily accessible at all times for emergency removal of the wildlife. Doors shall be locked at all times.

(D) Venomous reptiles shall only be transported in a strong escape-proof enclosure capable of withstanding a strong impact. Enclosures shall be locked and prominently labeled with the owner's full name, address, telephone number, list of species being transported, and a sign labeled VENOMOUS.

[(5)] (6) Other wildlife native to Missouri not listed in sections (2) and (3) and in rule 3 CSR 10-9.110, and birds native to the continental United States, shall be cared for and confined in facilities that provide [adequate space, comparable to requirements listed in sections (2) and (3) for similar size animals, and shall be provided requirements set out in section (4).] comparable requirements for similar size animals as listed in this rule.

[(6) Care of captive turtle shall meet requirements set out in section (4). At least ten (10) gallons of water shall be provided for each adult aquatic turtle over four inches (4") in shell length, and three (3) gallons of water shall be provided for each hatchling or turtle under four inches (4") in shell length. At least four (4) square feet of ground space shall be provided for each box turtle over three inches (3") in shell length and one (1) square foot of ground space shall be provided for each hatchling or turtle under three inches (3") in shell length.]

(7) Requirements of this rule shall not apply to wildlife under the care of a veterinarian or rehabilitation center, or to animals legally held in circuses, publicly-owned zoos, bona fide research facilities or on fur farms whose sole purposes are to sell pelts or live animals to other fur farms and whose facilities meet generally accepted fur farming industry standards and adhere to provisions of sections *[(3) and (4)]* (1), (3), and (5) of this rule. Variations from requirements of this rule shall be only as specifically authorized by the director.

APPENDIX A

CAGE, PEN OR OTHER ENCLOSURE STANDARDS FOR CLASS II WILDLIFE
3CSR10-9.220 (3) (B) (Revised 05/24/00)

Page 1

Species	Enclosure Space (sq.ft.)	Space Per Each Additional Animal	Enclosure Height (feet)	Cage Material
Black Bear or hybrids	150	50% larger	8 or 10	Not smaller than 9 gauge steel chain link; top required for 8-foot enclosure; 3-foot lean-in on top of fence acceptable for 10-foot enclosure.
Mountain Lion or hybrids	200	50% larger	8	Not smaller than 9 gauge steel chain link for leopards; 11 gauge steel chain link for all other species; top required.
Wolf or hybrids	200	50% larger	6	Not smaller than 9 gauge steel chain link; 4-inch concrete floor or non-rust 9 gauge chain link buried 2 feet and angled underground toward enclosure interior; for pens anchored flush with ground, 3-foot interior dig-out panel required at ground surface; top required, except 8-foot fence with 3-foot lean-in acceptable for wolves.
Venomous Snakes	(Perimeter must be 1 1/2 times length of longest snake)	25% larger		When on public display outside approved confinement facility, any side of exhibit cage exposed to the public shall have a double glass or escape-proof double mesh barrier designed to prevent contact between venomous reptile and the public.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-3.020. Original rule filed Nov. 2, 1984, effective Feb. 11, 1985. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.351 Class II Wildlife Breeder Permit. The commission proposes to amend this rule.

PURPOSE: This amendment changes the Class II wildlife breeder permit from one hundred fifty dollars (\$150) to two hundred fifty dollars (\$250).

To exercise the privileges of a **Class I and Class II** wildlife breeder. Fee: *[one]* **two** hundred fifty dollars *[(\$150)]* **(\$250)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders. The commission proposes to amend sections (1) and (5) of this rule.

PURPOSE: This amendment requires applicants for a Class II wildlife breeder permit to pass a written examination and comply with state law regarding Class II wildlife.

(1) Class I and Class II wildlife as defined in 3 CSR 10-9.230 and 3 CSR 10-9.240, may be exhibited, propagated, reared or held in captivity by the holder of the appropriate Class I or Class II wildlife breeder permit at a specific location indicated on the permit. **Applicants for a Class II permit must qualify by passing with a score of at least eighty percent (80%) a written examination provided by the department.**

(5) Cities, towns and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply, no permit will be issued by the department. **Persons possessing Class II wildlife must comply with all requirements of section 578.023, RSMo.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule originally filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed March 11, 2002, effective March 21, 2002, expires Sept. 16, 2002. Amended: Filed March 11, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.359 Class I and Class II Wildlife Breeder: Records Required. The commission proposes to amend provisions of this rule and remove the forms following the rule from the *Code of State Regulations*.

PURPOSE: This amendment requires wildlife breeders to maintain applicable records of state and federal animal health standard certificates and permits for each animal in possession.

Each Class I and Class II wildlife breeder shall maintain a current record, **by date**, of all transactions showing the place of origin and the numbers and species of wildlife which were possessed, propagated, bought, sold, transported, shipped, given away or used, **on forms provided by the department**. These records and applicable state and federal animal health records and permits for each animal shall be *[on forms provided by the department]* maintained on the premises of the wildlife breeder and shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.753. This version of rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector's Permit. The commission proposes to amend sections (1), (2) and (3).

PURPOSE: *This amendment establishes two (2) types of wildlife collector permits under which wildlife may be taken for scientific related purposes, and a fee for each permit.*

(1) A permit to collect, possess, mount or preserve wildlife for scientific related purposes: *[only may be granted to an authorized representative of a university, college, school, incorporated city, state or federal agency, publicly-owned zoo, or wildlife or research organization; provided, that the collection shall be the property of the sponsor named in the permit and shall be used exclusively for scientific, educational or museum purposes. The collected specimens shall be donated to a museum or educational institution or disposed of in accordance with instructions of the director. Wildlife held under a wildlife collector's permit may be propagated but shall not be sold or exhibited commercially.]*

(A) **Wildlife Collector's Permit for Scientific Purposes.** Wildlife collector's permits may be granted to an authorized representative of a university, college, school, incorporated city, state or federal agency, publicly-owned zoo, or wildlife or research organization or other qualified individual; provided, that the collection shall be used exclusively for scientific, educational or museum purposes. Fee: five dollars (\$5).

(B) **Wildlife Collector Permit for Special Collections of Wildlife.** Wildlife collector's permits may be issued to professionally qualified individuals who charge a fee for biological studies for specific projects where the potential results are of sufficient public value and interest to justify special collection of wildlife. Fee: fifty dollars (\$50).

[(2) Wildlife collector's permits may be issued to professionally qualified individuals for specific projects where the potential results are of sufficient public value and interest to justify special collections of wildlife.]

[[3]] (2) **General Requirements for Permit Holders.** Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or regional supervisor in the county or area as to where and when the collecting will be done. The permit holder's name, address and wildlife collector's permit number shall be on all trapping and netting devices. The traps, nets or other devices used under this permit shall be attended at least daily, or be constantly attended if so stated on the permit. The collected specimens shall be donated to a museum or educational

institution or disposed of in accordance with instructions of the director. Wildlife held under a wildlife collector's permit may be propagated but shall not be sold or exhibited commercially. When holding live specimens, permit holders are required to adhere to wildlife confinement standards set forth in 3 CSR 10-9.220. The names and addresses of persons collecting under the direct supervision of the holder of the permit shall accompany the application for the permit. **Field collection must be conducted under the in-person supervision of the permit holder.** This permit does not relieve the holder of full compliance with other provisions of the Code or other state and federal requirements. *[The wildlife collector's permit is not valid until signed.]*

(3) The wildlife collector's permit is not valid until signed by the permit holder. The permit is valid for one (1) year from January 1. The permit holder shall submit a wildlife collector's permit report to the department within thirty (30) days of the permit's expiration date. Issuance of permits for the following year shall be conditioned on compliance with Wildlife Code rules and regulations, specified conditions of the permit and receipt of a satisfactory wildlife collector's permit report. Department volunteers, working on authorized wildlife collection projects, are exempt from the requirements of this section.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed May 9, 2002.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.560 Licensed [Shooting Area] Hunting Preserve Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment modifies the application process, fee structure and extends the permit period to address needs expressed by area operators.*

(1) To maintain and operate a licensed *[shooting area]* hunting preserve and to propagate, hold in captivity, and sell legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals).

(2) Any person applying to establish a licensed hunting preserve shall complete an application involving on-site inspections of the area prior to and following construction activities by an agent of the department to determine that all provisions of this rule and 3 CSR 10-9.565 are met before a permit is issued. Fees:

(A) Game Bird *[Shooting Area]*

Hunting Preserve	\$100 valid for one (1) year
(B) [Big Game Shooting Area	\$300.]
Big Game Hunting Preserve	\$750 valid for three (3) years

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.570 Hound Running Area Operator/’s/ and Dealer Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment changes the name of the permit and modifies the privileges of the permit.

To maintain and operate a hound running area and to purchase transport, propagate, hold in captivity and sell to or release [on that area] into a permitted hound running area legally acquired foxes and coyotes. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.575 Hound Running Area: Privileges, Requirements. The commission proposes to amend sections (3) and (7) of this rule.

PURPOSE: This amendment allows trappers who have constructed holding facilities as prescribed in 3 CSR 10-9.220 to house and sell live coyotes and foxes throughout the year.

(3) The holder of a Hound Running Area Operator/’s/ and Dealer Permit may obtain live foxes and coyotes from a holder of a valid trapping permit as prescribed in 3 CSR 10-8.515(7). Permittees may also purchase foxes and coyotes from a holder of a Class I Wildlife Breeder Permit or a holder of a Hound Running Area Operator and Dealer Permit. These foxes and coyotes may only be released into [the permittee’s] a permitted hound running area and must be individually marked with ear tags provided by the department for which the permittee shall pay fifty cents (50¢) per tag. These animals may not be [sold,] given away, released to the wild or exported, except with written authorization of the director.

(7) The hound running area operator/dealer shall keep an accurate permanent record on forms provided by the department of the supplier’s full name and address and number of each species held, captured, purchased, sold, propagated, released on the area or otherwise disposed of. Ear tag numbers must also be recorded for each animal released into the area. These records are subject to inspection by an agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. Amended: Filed June 11, 1997, effective March 1, 1998. Amended: Filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.625 Field [and Retriever] Trial Permit. The commission proposes to amend sections (1), (4)–(6) and to delete section (8).

PURPOSE: This amendment will change the permit requirements for field trials held on private lands. Other changes delete portions of the rule that previously applied to department land, modify the definition, and delete other language no longer needed.

(1) To conduct a field [or retriever] trial on lands other than those owned or leased by the department, application for a permit must be made to the department by a resident, and postmarked not less than ten (10) days prior to the trial. The application shall specify location of trial headquarters in Missouri, area where the trial will be held, type of wildlife to be chased or pursued, approximate number of hunters, approximate number of dogs and starting

and closing dates, extending through a period of not more than ten (10) consecutive days for any single trial permit. *[Permits and conditions for trials at August A. Busch Memorial Conservation Area, St. Charles County, James A. Reed Memorial Wildlife Area, Jackson County, Pony Express Conservation Area, DeKalb County and Whetstone Creek Conservation Area, Callaway County, may be obtained from the respective area manager upon receipt of proper application postmarked not less than thirty (30) days prior to the trial.] Fee: twenty dollars (\$20).*

(4) A field *[or retriever]* trial permit does not authorize trespass.

(5) Except as otherwise provided in this rule, permits will not be valid for hound field trials during or five (5) days prior to the spring turkey or firearms deer hunting seasons except on established field trial areas. Permits for raccoon field trials will be valid during nighttime hours and provide for casting no more than four (4) dogs at one time during or five (5) days prior to the spring turkey hunting season. In field trials under permit, wildlife not prohibited in 3 CSR 10-7.410 may be chased by dogs under control but may be pursued and taken only during the open seasons and only by persons possessing a valid hunting permit, **except as provided in section (6) of this rule.** The sponsoring organization shall issue identification bearing the field trial permit number to all persons without a valid hunting permit who enter dogs in a trial; provided, that this identification shall not be required for trials held entirely on one (1) contiguous tract of land where an agent of the department is provided **with** a complete list of the names and addresses of all participants before the trial.

(6) *[Dogs entered in trials may be exercised on a specific area described on a trial permit for a period not to exceed three (3) days prior to the trial. Designated gunners may shoot quail, pheasants, chukars and mallard ducks legally obtained and banded for identification, under the field trial permit, but the names of gunners shall be presented to an agent of the department at least two (2) hours before the trial begins. Fee: fifteen dollars (\$15).] Designated gunners, under the field trial permit, may shoot only quail, pheasants, chukars and mallard ducks legally obtained and marked with a permanent avian leg band prior to release.*

[(8) A permit is not required for lead or drag races.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED RESCISSION

3 CSR 10-9.630 Confined Wildlife Permits: How Obtained, Replacements. This rule provided procedures for obtaining miscellaneous permits and replacement permits.

PURPOSE: This rule is being rescinded and moved to 3 CSR 10-9.106 for easier reference and better organization.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 30, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 1, 1980, effective Jan. 1, 1981. Amended: Filed June 9, 1993, effective July 1, 1994. Rescinded: Filed May 9, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.645 Licensed Trout Fishing Area Permit: Privileges, Requirements. The commission proposes to amend subsection (3)(B).

PURPOSE: This amendment clarifies the reporting requirements associated with a Licensed Trout Fishing Area Permit.

(3) A permittee may release legally acquired rainbow trout or brown trout for fishing and harvest throughout the year, under the following conditions:

(B) The permittee shall keep an accurate record of all trout of each species *[acquired, propagated, sold, held and]* released **into and taken from the licensed trout fishing area.** These records shall be subject to inspection by an authorized agent of the department at any reasonable time. The permittee shall provide each customer or guest with a receipt indicating the date and number of trout taken. Customers or guests must retain this receipt during transport and storage of the trout.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 24, 2000, effective March 1, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.743 Commercial Establishments. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment would clarify wording in this rule concerning selling fish. There is a period following the word fish, with the phrase "permitted to be sold by this Code" to be deleted.

Resident commercial establishments, when possession is accompanied by a valid invoice or bill of sale, may buy, possess, transport and sell legally purchased and plainly marked dressed or processed pheasants, exotic partridges, quail, game bird eggs, bear, deer except white-tailed and mule deer, elk, moose, caribou, wild boar, live bait and frogs and fish [permitted to be sold by this Code]. Skinned furbearer carcasses may be sold at retail only.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.110 General Provisions. The commission proposes to amend section (1).

PURPOSE: This amendment adds field trials as a restricted activity on department areas.

(1) The following activities are allowed on department areas only where and as authorized by this chapter or by signs and area brochures or by a special use permit issued by the area manager: swimming, sailboarding, sailboating, skateboarding, boating, entry on areas closed to public use, bicycling, camping, shooting, hunting, fishing, trapping, collecting or possessing wild plants and wild animals and unprocessed parts thereof, removal of water, commercial use, vending, fires outside of designated camping areas, rock collecting, digging and other soil disturbance, **field trials**, horseback riding, ranging of horses and other livestock, possession of pets and hunting dogs, caving, rock climbing, rappelling, paint-balling, scuba diving, water skiing, the use and pos-

session of vehicles and aircraft, the use of decoys, and the use or construction of blinds and tree stands.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.115 Closings. The commission proposes to amend subsections (1)(D) and (G) of this rule.

PURPOSE: This amendment increases use hours on Bellefontaine Conservation Area.

(1) Department areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time in areas where these activities are authorized, except as otherwise provided in this chapter. Any department area may be opened during closed hours for department sponsored events or programs. Parking or storage of watercraft and commercial vehicles is prohibited during the closed hours.

(D) On [Bellefontaine Conservation Area and] Powder Valley Conservation Nature Center, all public use is prohibited from 8:00 p.m. to 6:00 a.m. daily from April 1 through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 through March 31.

(G) On Bellefontaine Conservation Area, Rockwoods Range and Rockwoods Reservation, all public use is prohibited from one-half (1/2) hour after sunset to sunrise daily.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Oct. 1, 2001, effective Oct. 15, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments

must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED RULE

3 CSR 10-11.125 Field Trials

PURPOSE: This rule establishes provisions for allowing field trials on department areas.

(1) Field trials are only permitted on the department areas listed below. A field trial special use permit issued by the area manager is required. Unless otherwise provided on the field trial special use permit, field trials are permitted from September 1 through the Monday closest to March 31. Field trial types and locations may be further restricted on each designated area:

- (A) Amarugia Highlands Conservation Area
- (B) August A. Busch Memorial Conservation Area
- (C) Belcher Branch Lake
- (D) Bois D' Arc Conservation Area
- (E) Bushwacker Lake Conservation Area
- (F) Donaldson Point Conservation Area
- (G) Duck Creek Conservation Area
- (H) Eagle Bluff Conservation Area
- (I) Fort Crowder Conservation Area
- (J) Helton Conservation Area
- (K) Maintz Conservation Area
- (L) Nodaway County Community Lake
- (M) Pony Express Conservation Area
- (N) Poosey Conservation Area
- (O) James A. Reed Memorial Wildlife Area
- (P) Rocky Fork Conservation Area
- (Q) Shawnee Trail Conservation Area
- (R) Stockton Reservoir
- (S) Robert E. Talbot Conservation Area
- (T) Whetstone Creek Conservation Area
- (U) White River Trace Conservation Area
- (V) Wilhemina Conservation Area

(2) Field trial participants must comply with 3 CSR 10-7.410 except as otherwise provided by the special use permit.

(3) During field trials, wildlife not prohibited in 3 CSR 10-7.410 may be chased by dogs under control but may be pursued and taken only during the open seasons and only by persons possessing a valid hunting permit, except as provided in section (4) of this rule.

(4) Designated gunners, under the field trial special use permit, may shoot only quail, pheasants, chukars and mallard ducks legally obtained and marked with a permanent avian leg band prior to release.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.140 Camping. The commission proposes to amend section (1).

PURPOSE: This amendment prevents non-recreational campers from circumventing the current regulation.

(1) Camping is permitted only within areas designated by signs or brochures. Stays are limited to a period of fourteen (14) consecutive days in any thirty (30)-day period, with the period to commence the date the site is occupied or camping within any given department area first occurs. Personal property must be removed at the end of the fourteen (14)-day period. **Total camping days on all Department of Conservation lands are limited to thirty (30) days within one (1) calendar year. Camping requests in excess of thirty (30) days within a calendar year may be granted with a special use permit.** On those areas with established campsites, only two (2) camping or sleeping units are permitted in each site. Quiet hours are effective from 10:00 p.m. to 6:00 a.m. daily. Visitors who are not occupying a campsite are required to leave the campground by 10:00 p.m. Quiet hours are defined as the cessation of excessive noise from people or any mechanical device which causes disturbance to other campers. Camping fees are required at some areas. Groups of more than ten (10) people must obtain a special use permit prior to camping.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.145 Tree Stands. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment modifies provisions for labeling portable tree stands.

Only portable tree stands are allowed and only from September 15 through January 31. Stands must be identified with the full name and address, or **Conservation Number**, of the owner and be removed from the area before February 1. Use of nails or any material that would damage the tree is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.155 Decoys and Blinds. The commission proposes to amend subsection (1)(A) of this rule.

PURPOSE: This amendment establishes a requirement for hunters to hunt from designated blinds on portions of Upper Mississippi Conservation Area.

(1) Decoys and blinds are permitted but must be disassembled and removed daily, except as otherwise provided in this chapter. Blinds may be constructed on-site only from willows (*Salicaceae*) and nonwoody vegetation.

(A) On those portions of Upper Mississippi Conservation Area designated as restricted waterfowl hunting areas, blind sites shall be designated and allotted through a system of registration and drawing established by the department. Blinds must be constructed within ten (10) yards of an assigned site before October 1 and meet department specifications. **Waterfowl may be taken only from a designated blind except that hunters may retrieve dead birds and pursue and shoot downed cripples. This rule does not apply during the early teal season.** On portions of the area designated as open, blinds may be constructed without site restrictions. Blinds or blind sites on both restricted and open portions of the area may not be locked, transferred, rented or sold. Boats shall not be left overnight at blind sites. After 6:00 a.m., unoccupied blinds may be used by the first hunter to arrive.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.160 Use of Boats and Motors. The commission proposes to amend section (1) and subsection (1)(A) of this rule.

PURPOSE: This amendment prohibits the use of personal watercraft on Thomas Hill Reservoir and the Theodosia Arm of Bull Shoals Lake; and, prohibits the use of boats on Bellefontaine Conservation Area.

(1) Boats, including sailboats, may be used on lakes and ponds designed as open to boats, except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats, **and personal watercraft as defined in section 306.010, RSMo**, are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

(A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)3. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)4. of this rule.

1. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

2. On Hunnewell Lake Conservation Area, only department-owned boats may be used.

3. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.

4. On Thomas Hill Reservoir, boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. *[No horsepower restrictions apply. Boats may be left unattended overnight.]* **No other restrictions in this section apply to this area.**

5. All boating is prohibited from November 15 through February 15 on the Theodosia Arm of Bull Shoals Lake described as: All of Section 13, and south half of Section 12, T22N, R16W; all of Section 17, south half of Sections 7 and 8, and that part of Sections 19 and 20 north of Highway 160 bridge, all in T22N, R15W. **No other restrictions in this section apply to this area.**

6. On Bellefontaine Conservation Area, boats are prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Oct. 1, 2001, effective Oct. 15, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.165 Bullfrogs and Green Frogs. The commission proposes to amend subsection (1)(A) of this rule.

PURPOSE: This amendment modifies methods for harvesting bullfrogs and green frogs on Bellefontaine Conservation Area.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, gig, longbow, snagging, snaring, grabbing or pole and line, only on waters and within dates and hours those waters are open to fishing, except as further restricted in this chapter. Firearms may not be used to take bullfrogs and green frogs.

(A) On Louis H. Bangert Memorial Wildlife Area, Bellefontaine Conservation Area and August A. Busch Memorial Conservation Area, longbows are prohibited for taking frogs.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend sections (5), (7), (8), (20), and (21), and add section (29) to this rule.

PURPOSE: This amendment modifies hunting provisions on department areas.

(5) Firearms firing single projectiles are prohibited on the following department areas:

(V) Liberty Bend Conservation Area

[(V)] (W) Little Bean Marsh Conservation Area

[(W)] (X) Little Dixie Lake Conservation Area

[(X)] (Y) Little Prairie Conservation Area

[(Y)] (Z) Little River Conservation Area

[(Z)] (AA) Caroline Sheridan Logan Memorial Wildlife Area

[(AA)] (BB) Lone Jack Lake Conservation Area

[(BB)] (CC) Lost Valley Fish Hatchery

[(CC)] (DD) Alice Ahart Mansfield Memorial Conservation Area

[(DD)] (EE) Marais Temps Clair Conservation Area

[(EE)] (FF) Mo-No-I Prairie Conservation Area

[(FF)] (GG) Mon-Shon Prairie Conservation Area

[(GG)] (HH) Pacific Palisades Conservation Area

[(HH)] (II) Guy B. Park Conservation Area

[(II)] (JJ) Parma Woods Range and Training Center (north portion)

[(JJ)] (KK) Reform Conservation Area

[(KK)] (LL) Rocky Barrens Conservation Area

[(LL)] (MM) Dr. O. E. and Eloise Sloan Conservation Area

[(MM)] (NN) Sunbridge Hills Conservation Area

[(NN)] (OO) Tipton Ford Access

[(OO)] (PP) Treaty Line Prairie Conservation Area

[(PP)] (QQ) Valley View Glades Natural Area

[(QQ)] (RR) Archie and Gracie VanDerhoef Memorial State Forest

[(RR)] (SS) Victoria Glades Conservation Area

[(SS)] (TT) Vonaventure Memorial Forest and Wildlife Area

[(TT)] (UU) George O. White State Forest Nursery

(VV) Wolf Bayou Conservation Area

[(UU)] (WW) Young Conservation Area

(7) Firearms firing single projectiles are prohibited, except during managed deer hunts on the following department areas:

(D) Pelican Island Natural Area

[(D)] (E) Saint Stanislaus Conservation Area

(8) Firearms hunting is prohibited on the following department areas:

(B) Jim Bridger Urban Conservation Area

[(B)] (C) Jamesport Community Lake

[(C)] (D) J. Thad Ray Memorial Wildlife Area

[(D)] (E) Lon Sanders Canyon Conservation Area

[(E)] (F) Henry Jackson Waters and C.B. Moss Memorial Wildlife Area

(20) On Eagle Bluffs Conservation Area, [B. K. Leach Memorial Conservation Area,] William R. Logan Conservation Area and William G. and Erma Parke White Memorial Wildlife Area, doves may be hunted only in assigned areas from an assigned shooting station on designated days from 1:00 p.m. to 5:00 p.m. during the September portion of statewide season by holders of a valid area daily hunting tag.

(21) On Marais Temps Clair Conservation Area:

(A) [Doves, rails and snipe may be hunted only during that part of the season which falls prior to October 15 by holders of a valid area daily hunting tag, except in areas closed by posting.] Dove hunting is permitted only until 1:00 p.m. daily.

[(B) Deer and rabbits may be hunted only from the end of the area's prescribed duck season through the end of

the statewide seasons by holders of a valid area daily hunting tag, except in areas closed by posting.]

[(C)] (B) Quail, rabbit, pheasant, woodcock, squirrel, groundhog, furbearer, turkey and crow hunting is prohibited.

(C) All hunters must possess a valid daily hunting tag.

(29) On Burr Oak Woods Conservation Area, spring turkey hunting is permitted only by persons under sixteen (16) years of age holding a Managed Turkey Hunting Permit in addition to the prescribed turkey hunting permit; provided, s/he is hunting in the immediate presence of a properly licensed adult who has in his/her possession a valid hunter education certificate card.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.182 Deer Hunting. The commission proposes to amend sections (1), (2) and to add section (4) to this rule.

PURPOSE: This amendment provides additional deer management options for department areas.

(1) Deer may be hunted only during the statewide archery season and the December portion of the firearms season on the department areas listed below. Statewide methods and limits apply.

- [(A)] Belcher Branch Lake Conservation Area*
- [(B)] Bethel Prairie Conservation Area*
- [(C)] Big Creek Conservation Area*
- [(D)] (A) Bilby Ranch Lake Conservation Area*
- [(E)] Buffalo Wallow Prairie Conservation Area*
- [(F)] Bushwhacker Lake Conservation Area*
- [(G)] Clear Creek Conservation Area*
- [(H)] Comstock Prairie Conservation Area*
- [(I)] Crooked River Conservation Area*
- [(J)] Lester R. Davis Memorial Forest*
- [(K)] Four Rivers Conservation Area (Unit 4)*
- [(L)] Grandfather Prairie Conservation Area*
- [(M)] Harmony Mission Lake Conservation Area*
- [(N)] Hite Prairie Conservation Area*
- [(O)] King Lake Conservation Area*
- [(P)] Little Compton Lake Conservation Area*
- [(Q)] (B) Loutre Lick Access*
- [(R)] (C) Jamerson C. McCormack Conservation Area*
- [(S)] (D) Moore's Mill Access*
- [(T)] (E) Nodaway County Community Lake*

- [(U)] Osage Prairie Conservation Area*
- [(V)] Pa Sole Prairie Conservation Area*
- [(W)] Paint Brush Prairie Conservation Area*
- [(X)] Peabody Conservation Area*
- [(Y)] (F) Pigeon Hill Conservation Area*
- [(Z)] Pony Express Lake Conservation Area*
- [(AA)] (G) Punkin Center Access*
- [(BB)] Edward B. and Marie O. Risch Conservation Area*
- [(CC)] (H) Rocky Fork Lakes Conservation Area*
- [(DD)] (I) Sears Community Lake*
- [(EE)] Settle's Ford Conservation Area*
- [(FF)] (J) Seven Island Conservation Area*
- [(GG)] Shawnee Trail Conservation Area*
- [(HH)] Stony Point Prairie Conservation Area*
- [(II)] Taberville Prairie Conservation Area*
- [(JJ)] Twenty-Five Mile Prairie Conservation Area*
- [(KK)] Frank E. Wagner Conservation Area*
- [(LL)] Wah-Kon-Tah Prairie (portion north of Highway 82)*
- [(MM)] (K) White River Trace Conservation Area*
- [(NN)] (L) Worth County Community Lake*

(2) Deer may be hunted, under statewide seasons and limits, only by archery methods on the following department areas:

- (SS) Hite Prairie Conservation Area**
- [(SS)] (TT) Hornersville Swamp Conservation Area*
- [(TT)] (UU) Horse Creek Prairie Conservation Area*
- [(UU)] (VV) Howell Island Conservation Area*
- [(VV)] (WW) Hyer Woods Conservation Area*
- [(WW)] (XX) Indigo Prairie Conservation Area*
- [(XX)] (YY) Jamesport Community Lake*
- [(YY)] (ZZ) Anthony and Beatrice Kendzora Conservation Area*
- [(ZZ)] (AAA) Kessler Memorial Wildlife Area*
- [(AAA)] (BBB) Wilford V. and Anna C. Kneib Memorial Conservation Area*
- [(BBB)] (CCC) Lake Girardeau Conservation Area*
- [(CCC)] (DDD) B. K. Leach Memorial Conservation Area*
- [(DDD)] (EEE) Little Bean Marsh Conservation Area*
- [(EEE)] (FFF) Little Dixie Lake Conservation Area*
- [(FFF)] (GGG) Little Prairie Conservation Area*
- [(GGG)] (HHH) Little River Conservation Area*
- [(HHH)] (III) Caroline Sheridan Logan Memorial Wildlife Area*
- [(III)] (JJJ) Lon Sanders Canyon Conservation Area*
- [(JJJ)] (KKK) Lone Jack Lake Conservation Area*
- [(KKK)] (LLL) Lost Valley Fish Hatchery*
- [(LLL)] (MMM) Alice Ahart Mansfield Conservation Area*
- [(MMM)] Marais Temps Clair Conservation Area*

(4) Deer may be hunted, under statewide seasons and limits, only by archery and muzzleloader methods on the department areas listed below:

- (A) Belcher Branch Conservation Area**
- (B) Bethel Prairie Conservation Area**
- (C) Big Creek Conservation Area**
- (D) Buffalo Wallow Conservation Area**
- (E) Bushwhacker Lake Conservation Area**
- (F) Clear Creek Conservation Area**
- (G) Comstock Prairie Conservation Area**
- (H) Crooked River Conservation Area**
- (I) Four Rivers Conservation Area (Unit 4)**
- (J) Grandfather Prairie Conservation Area**
- (K) Harmony Mission Conservation Area**
- (L) Hi Lonesome Conservation Area**
- (M) King Lake Conservation Area**
- (N) Lester R. Davis Memorial Forest**
- (O) Little Compton Lake Conservation Area**
- (P) Osage Prairie Conservation Area**
- (Q) Pa Sole Prairie Conservation Area**
- (R) Paint Brush Prairie Conservation Area**

- (S) Peabody Conservation Area
- (T) Pony Express Lake Conservation Area
- (U) Edward B. and Marie O. Risch Conservation Area
- (V) Settle's Ford Conservation Area
- (W) Shawnee Trail Conservation Area
- (X) Stony Point Prairie Conservation Area
- (Y) Taberville Prairie Conservation Area
- (Z) Twenty-Five Mile Prairie Conservation Area
- (AA) Frank E. Wagner Conservation Area
- (BB) Wah-Kon-Tah Prairie (portion north of Highway 82)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.183 Managed Deer Hunts. The commission proposes to add subsection (1)(G) and reletter remaining subsections accordingly.

PURPOSE: This amendment restricts deer hunting to managed hunts on Marais Temps Clair Conservation Area.

(1) Deer may be hunted only during managed hunts on the department areas listed below. Participants of managed hunts must possess a Managed Deer Hunting Permit.

- (G) Marais Temps Clair Conservation Area**
- [(G)] (H) Otter Slough Conservation Area*
- [(H)] (I) Peck Ranch Conservation Area (fenced portion)*
- [(I)] (J) Pelican Island Natural Area*
- [(J)] (K) Prairie Fork Conservation Area*
- [(K)] (L) James A. Reed Memorial Wildlife Area*
- [(L)] (M) Rockwoods Range*
- [(M)] (N) Saint Stanislaus Conservation Area (County Park)*
- [(N)] (O) Weldon Spring Conservation Area*
- [(O)] (P) Whetstone Creek Conservation Area*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.186 Waterfowl Hunting. The commission proposes to delete section (5) of this rule and to amend sections (3) and (10) of this rule.

PURPOSE: This amendment eliminates redundancy and clarifies hours and times an area is open to hunting waterfowl.

(3) Waterfowl hunting is prohibited after 1:00 p.m. on designated portions of the following department areas:

- [(L) Marais Temps Clair Conservation Area]*
- [(M)] (L) Nodaway Valley Conservation Area*
- [(N)] (M) Otter Slough Conservation Area*
- [(O)] (N) James A. Reed Memorial Wildlife Area*
- [(P)] (O) Schell-Osage Conservation Area*
- [(Q)] (P) Ted Shanks Conservation Area*
- [(R)] (Q) Ten Mile Pond Conservation Area*
- [(S)] (R) Yellow Creek Conservation Area*

[(5) On Dehn Marsh and Sac River Marsh of Truman Reservoir Management Lands, waterfowl hunting is prohibited.]

[(6)] (5) On Thomas Hill Reservoir, waterfowl hunting is prohibited on the lands and waters of the main arm between Highway T and county road 462, three and one-half (3 1/2) miles north of Highway T from October 15 through the close of the waterfowl season.

[(7)] (6) On Settle's Ford Conservation Area, waterfowl hunters must preregister and check out daily at designated hunter record boxes prior to and immediately after completing the hunt. Nonhunters are prohibited within the waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

[(8)] (7) On Little River Conservation Area, waterfowl hunting is permitted only during managed waterfowl hunts or by holders of a valid area daily hunting tag.

[(9)] (8) On Four Rivers Conservation Area, in designated waterfowl hunting areas, waterfowl hunters must register before hunting and check out daily at area headquarters. On the remaining portions of the area, waterfowl hunters must register before hunting at designated hunter record boxes and check out immediately after completion of the hunt. In designated waterfowl hunting areas, hunting is closed on December 25. Nonhunters are prohibited within the designated waterfowl hunting areas unless they are members of and remain with a party authorized to use the area.

[(10)] (9) On James A. Reed Memorial Wildlife Area, waterfowl may be hunted by reservation only by holders of a valid area daily hunting tag on designated days and only in designated areas, except that hunters may retrieve dead birds and shoot downed cripples outside designated areas.

[(11)] (10) On Marais Temps Clair Conservation Area, waterfowl hunting is permitted only on Friday, Saturday, Sunday and Monday and only until 1:00 p.m. during the prescribed *[waterfowl hunting]* duck and Canada goose seasons, except the area is open daily *[until 1:00 p.m.]* from sunrise to sunset for teal hunting during the early season.

[(12)] (11) On August A. Busch Memorial Conservation Area and Charles W. Green Conservation Area, waterfowl may be hunted only during managed waterfowl hunts.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing Methods and Hours. The commission proposes to amend sections (3), (4), (6) and (8).

PURPOSE: This amendment raises the age of children allowed to fish specially managed ponds on the James A. Reed Memorial Wildlife Area and Lost Valley Fish Hatchery; establishes three catch-and-release fishing lakes and a kids fishing pond on the August A. Busch Memorial Conservation Area; clarifies the seining and trapping restrictions on Mule Shoe Conservation Area; and allows the capture of live bait by seining or trapping on designated ponds on the Atlanta Conservation Area and Long Branch Lake Management Lands.

(3) On James A. Reed Memorial Wildlife Area:

(C) On Honker Pond, fishing is restricted to persons *[twelve (12)] fifteen (15)* years of age or younger and not more than one (1) pole and line may be used by **any** one (1) person at *[a]* one time.

(4) On August A. Busch Memorial Conservation Area~~/,~~ :

(A) ~~/f~~Fishing is permitted only on designated waters from 6:00 a.m. to 9:00 p.m. daily.

(B) On Lakes 16, 31 and 32, only flies, artificial lures and soft plastic baits (unscented) may be used and fish must be returned to the water unharmed immediately after being caught.

(C) On Lake 12, fishing is restricted to persons **fifteen (15)** years of age or younger and not more than one (1) pole and line may be used by **any** one (1) person at one time.

(6) On Lost Valley Fish Hatchery, fishing is permitted only on designated waters from 9:00 a.m. to 4:00 p.m. daily. Fishing is

restricted to persons *[twelve (12)] fifteen (15)* years of age or younger and not more than one (1) pole and line may be used by **any** one (1) person at *[a]* one time.

(8) Seining or trapping live bait, including tadpoles, is prohibited on all lakes and ponds, and **on** streams and *[their]* the discharge channels *[in]* of **impoundments on** Mule Shoe Conservation Area, except as otherwise provided in this chapter.

(A) Seining or trapping live bait, including tadpoles, in compliance with 3 CSR 10-6.605 is permitted on designated lakes and ponds on the following department areas:

1. Atlanta Conservation Area
2. Bob Brown Conservation Area~~/,~~
3. Fountain Grove Conservation Area~~/,~~
4. Grand Pass Conservation Area ~~and/~~
5. Long Branch Lake Management Lands
6. Nodaway Valley Conservation Area~~/,~~

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.210 Fishing, Daily and Possession Limits. The commission proposes to add section (7) and amend sections (2), (4), (5), (6) and (10).

PURPOSE: This amendment establishes more restrictive daily limits on various fish species on several department areas.

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

(H) Happy Holler Lake (Happy Holler Lake Conservation Area)

[(H)] (I) Lake Paho Conservation Area

[(I)] (J) Lone Jack Lake Conservation Area

[(J)] (K) Maple Leaf Lake Conservation Area

[(K)] (L) Port Hudson Lake Conservation Area

[(L)] (M) James A. Reed Memorial Wildlife Area

[(M)] (N) Schell Lake (Schell-Osage Conservation Area)

[(N)] (O) Weldon Spring Conservation Area

(4) On Bellefontaine Conservation Area, *[Che-Ru Lake (Fountain Grove Conservation Area),]* Hazel Hill Lake and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

(5) On August A. Busch Memorial Conservation Area, **Harmony Mission Lake (Harmony Mission Conservation Area)** and James A. Reed Memorial Wildlife Area, the daily limit for white bass, striped bass and their hybrids in the aggregate shall be four (4); on James A. Reed Memorial Wildlife Area, the aggregate daily limit for all other fish shall be ten (10).

(6) At Tobacco Hills Lake (Guy B. Park Conservation Area) and **August A. Busch Memorial Conservation Area**, the daily limit for bluegill and other sunfish shall be *[eight (8)] ten (10) in the aggregate*.

(7) On Bushwhacker Lake (Bushwhacker Conservation Area), the daily limit for bluegill and other sunfish shall be fifteen (15) in the aggregate.

[[7]] (8) On Duck Creek Conservation Area, statewide limits shall apply for other fish as designated in 3 CSR 10-6.550.

[[8]] (9) On Bellefontaine Conservation Area and Port Hudson Lake Conservation Area, the daily limit for other fish as designated in 3 CSR 10-6.550 shall be ten (10) in the aggregate.

[[9]] (10) On Jerry J. Presley Conservation Education Center, except as otherwise provided on the special use permit, fish must be returned to the water unharmed immediately after being caught.

[[10]] (11) On **Lake 12 (August A. Busch Memorial Conservation Area)** and Lost Valley Fish Hatchery, the daily limit for all fish shall be two (2) in the aggregate. **On Lost Valley Fish Hatchery, [N]no person shall continue to fish for any species after having two (2) fish in possession.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to amend sections (2) and (3) and add section (7).

PURPOSE: This amendment changes the length limits on large-mouth bass at Little Compton Lake Conservation Area and Happy Holler Lake; establishes a minimum length on hybrid striped bass at Harmony Mission Lake and establishes a minimum length limit on sunfish at Bushwhacker Lake.

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Amarugia Highlands Conservation Area
 2. Atkinson Lake (Schell-Osage Conservation Area)
 3. Baltimore Bend Conservation Area
 4. Bilby Ranch Lake Conservation Area
 5. Binder Community Lake
 6. Buffalo Bill Lake (Pony Express Lake Conservation Area)
 7. August A. Busch Memorial Conservation Area (except Lakes 33 and 35)
 8. Che-Ru Lake (Fountain Grove Conservation Area)
 9. Jerry P. Combs Lake (Little River Conservation Area)
 10. Deer Ridge Lake (Deer Ridge Conservation Area)
 11. General Watkins Conservation Area
 12. Jamesport Community Lake
 13. Limpp Community Lake
 - [14.]* **Little Compton Lake Conservation Area**
 - [15.]* **14.** Lone Jack Lake Conservation Area
 - [16.]* **15.** Maple Leaf Lake Conservation Area
 - [17.]* **16.** Nodaway County Community Lake
 - [18.]* **17.** Perry County Community Lake
 - [19.]* **18.** Pony Express Lake (Pony Express Lake Conservation Area)
 - [20.]* **19.** Ray County Community Lake
 - [21.]* **20.** James A. Reed Memorial Wildlife Area
 - [22.]* **21.** Rinquelin Trail Community Lake
 - [23.]* **22.** Schell Lake (Schell-Osage Conservation Area)
 - [24.]* **23.** Ted Shanks Conservation Area
 - [25.]* **24.** Tobacco Hills Lake (Guy B. Park Conservation Area)
 - [26.]* **25.** Union Ridge Lake (Union Ridge Conservation Area)
 - [27.]* **26.** Vandalia Community Lake
 - [28.]* **27.** Weldon Spring Conservation Area
 - [29.]* **28.** Worth County Community Lake
- (C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:
1. Bellefontaine Conservation Area
 2. Lakes 33 and 35 (August A. Busch Memorial Conservation Area)
 3. Belcher Branch Lake Conservation Area
 4. Robert G. Delaney Lake Conservation Area
 - 5. Happy Holler Lake (Happy Holler Lake Conservation Area)**
 - [5.]* **6.** Lake Paho Conservation Area
 - [6.]* **7.** Port Hudson Lake Conservation Area

(3) On August A. Busch Memorial Conservation Area, **Harmony Mission Lake (Harmony Mission Conservation Area)** and James A. Reed Memorial Wildlife Area, all white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water immediately after being caught.

(7) On Bushwhacker Lake (Bushwhacker Lake Conservation Area) the daily limit of bluegill and other sunfish may include no more than five (5) fish more than eight inches (8") in total length.

[[7]] (8) On Lake Girardeau Conservation Area and Henry Sever Lake Conservation Area, muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend section (6).

PURPOSE: This amendment allows the use of outboard motors in excess of ten (10) horsepower on Palmer Lake.

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

(J) Mark Twain National Forest (Council Bluff Lake, **Palmer Lake**)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.125 Hunting and Trapping. The commission proposes to amend section (1).

PURPOSE: This amendment prohibits waterfowl hunting after 1:00 p.m. on Odessa City Lake and Upper Odessa City Lake.

(1) Hunting, under statewide permits, seasons, methods and limits, is permitted except as further restricted in this chapter.

(H) Waterfowl hunting is prohibited after 1:00 p.m. on Odessa (Odessa City Lake, Upper Odessa City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The department proposes to amend section (7).

PURPOSE: This amendment establishes a seasonal restriction on fishing methods at Jefferson Lake (City of St. Louis).

(7) Only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 through January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake), **St. Louis City (Jefferson Lake)** and St. Louis County (Tilles Park Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to amend sections (2) and (12).

PURPOSE: *This amendment increases the daily limit on black bass at Blees Lake (City of Macon) and establishes catch-and-release fishing regulations on trout at Jefferson Lake (City of St. Louis).*

(2) The daily limit for black bass is two (2) on the following lakes:

- [(O)] (O) Macon (Blees Lake)*
- [(P)] (O) Mexico (Teal Lake)*
- [(Q)] (P) Mineral Area College (Quarry Pond)*
- [(R)] (Q) Overland (Wild Acres Park Lake)*
- [(S)] (R) Potosi (Roger Bilderback Lake)*
- [(T)] (S) St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)*
- [(U)] (T) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)*
- [(V)] (U) Unionville (Lake Mahoney)*
- [(W)] (V) University of Missouri (South Farm R-1 Lake)*
- [(X)] (W) Warrensburg (Lion's Lake)*
- [(Y)] (X) Watkins Mill State Park Lake*
- [(Z)] (Y) Wentzville (Community Club Lake)*
- [(AA)] (Z) Windsor (Farrington Park Lake)*

(12) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake), **St. Louis City (Jefferson Lake)** and St. Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to amend section (2).

PURPOSE: *This amendment changes the minimum length limit on black bass at Blees Lake (City of Macon).*

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake)
2. Bethany (Old Bethany City Reservoir)
3. Big Oak Tree State Park (Big Oak Lake)
4. Butler City Lake
5. California (Proctor Park Lake)
6. Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
7. Carthage (Kellogg Lake)
8. Columbia (Stephens Lake)
9. Concordia (Edwin A. Pape Lake)
10. Confederate Memorial State Historic Site lakes
11. Dexter City Lake
12. Hamilton City Lake
13. Harrison County Lake
14. Higginsville City Lake
15. Holden City Lake
16. Iron Mountain City Lake
17. Jackson (Rotary Park Lake)
18. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
19. Jefferson City (McKay Park Lake)
20. Lancaster (New City Lake)
- 21. Macon (Blees Lake)**
- [21.] 22.* Maysville (Willow Brook Lake)
- [22.] 23.* Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake)
- [23.] 24.* Mineral Area College (Quarry Pond)
- [24.] 25.* Pershing State Park ponds
- [25.] 26.* Potosi (Roger Bilderback Lake)
- [26.] 27.* University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)
- [27.] 28.* Warrensburg (Lion's Lake)
- [28.] 29.* Watkins Mill State Park Lake
- [29.] 30.* Windsor (Farrington Park Lake)

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Lake, Vlasik Park Lake)
2. Bridgeton (Kiwamis Lake)
3. Columbia (Twin Lake)
4. Ferguson (January-Wabash Lake)
5. Kirksville (Hazel Creek Lake)
6. Kirkwood (Walker Lake)
- [7. Macon (Blees Lake)]*
- [8.] 7.* Overland (Wild Acres Park Lake)
- [9.] 8.* St. Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)
- [10.] 9.* St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
- [11.] 10.* Unionville (Lake Mahoney)
- [12.] 11.* University of Missouri (South Farm R-1 Lake)
- [13.] 12.* Wentzville (Community Club Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend sections (5), (19) and (52) of these definitions.

PURPOSE: This amendment adds the definitions of cervid and ungulate and revises the definition of field trial.

(5) Cervid: All species of the deer family (family *Cervidae*) including those commonly known as white-tailed, mule, fallow, sika, red, musk, Pere David's deer, moose, caribou, reindeer, elk, or wapiti, and all deer-hybrids.

[[5]] (6) Chase or chased: The act of using dogs to follow wildlife for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife.

[[6]] (7) Circus: A scheduled staged event in which entertainment includes performances by trained wildlife, either native or nonnative to the continental United States, and in which physical contact between wildlife and humans is restricted to the handlers, performers or other circus employees.

[[7]] (8) Closed season: That period of time during which the pursuit or taking of wildlife is prohibited by this Code.

[[8]] (9) Commercial establishment: Any place of business, owned or operated by any person or group of persons, or business concern of any kind, where ordinary trade or business practices are conducted. This term shall include, but is not restricted to, any club, association or society where meals, lodging or other services or facilities are furnished for a consideration, price or fee.

[[9]] (10) Commercial fish: All fish except shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), pallid and lake sturgeon and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include common snapping and soft-shelled turtles and crayfish taken from waters open to commercial fishing. In the Mississippi

River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail).

[[10]] (11) Commercial waters: The flowing portions of the Missouri River, the Mississippi River except in Sand Chute below the mouth of the Salt River in Pike County, and that part of the St. Francis River which forms a boundary between the states of Arkansas and Missouri, and also waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City, and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line.

[[11]] (12) Commission: The Conservation Commission as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).

[[12]] (13) Crossbow: A device for discharging quarrels or bolts, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger.

[[13]] (14) Days or dates: All days and dates shall be inclusive. A day shall begin or end at midnight, unless otherwise specified.

[[14]] (15) Department: The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of *Constitution of Missouri* (see also Article IV, Section 12).

[[15]] (16) Director: The director of the Department of Conservation.

[[16]] (17) Ditch: Any artificial drainageway, tributary to a stream or body of water, and containing sufficient water to support fish.

[[17]] (18) Domicile: The place where a person has his/her true, fixed and permanent home and principal establishment and to which whenever s/he is absent s/he has the intention of returning. It is his/her legal residence, as distinguished from his/her temporary place or abode; or his/her home, as distinguished from a place to which business or pleasure may temporarily call him/her.

[[18]] (19) Field [or retriever] trial[s]: An organized event, contest, demonstration or trial of dogs [where] whether or not prizes or awards of any kind are offered, and where dogs [under control are] may be used to chase, locate, pursue or retrieve wildlife.

[[19]] (20) Firearms: Pistols, revolvers and rifles propelling a single projectile at one (1) discharge including those powered by spring, air or compressed gas, and shotguns not larger than ten (10) gauge.

[[20]] (21) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, and 3 CSR 10-12.135.

(A) Fly—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.

(B) Artificial lure—A manufactured lure other than a fly or soft plastic bait (unscented).

(C) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(D) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.

[(21)] (22) Furbearing animals: Furbearers: Mink, muskrat, opossum, river otter, striped skunk, spotted skunk, badger, beaver, raccoon, long-tailed weasel, red fox, gray fox, bobcat, mountain lion, black bear and coyote.

[(22)] (23) Game birds: Geese, ducks, ring-necked pheasant, gray partridge, ruffed grouse, wild turkey, northern bobwhite quail, Virginia rail, sora rail, American coot, American woodcock, common snipe, mourning dove and crows.

[(23)] (24) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names:

(A) *Ambloplites*, all species of rock bass, commonly known as goggle-eye, redeye, shadow bass, Ozark bass.

(B) *Lepomis gulosus*, commonly known as warmouth bass.

(C) *Esox*, all species commonly known as muskellunge, tiger muskie, muskie-pike, hybrid, northern pike, chain pickerel, grass pickerel.

(D) *Ictalurus*, all species except bullheads, commonly known as channel catfish, blue catfish, Mississippi cat, Fulton cat, spotted cat, white cat, willow cat, fiddler cat.

(E) *Micropterus*, all species of black bass and their hybrids, commonly known as largemouth bass, lineside bass, smallmouth bass, brown bass, Kentucky bass, spotted bass.

(F) *Polyodon*, all species, commonly known as paddlefish, spoonbill.

(G) *Pomoxis*, all species, commonly known as crappie, white crappie, black crappie.

(H) *Pylodictis*, commonly known as flathead catfish, goujon, yellow cat, river cat.

(I) *Morone*, all species and their hybrids, commonly known as white bass, yellow bass, striped bass.

(J) *Oncorhynchus* and *Salmo*, all species commonly known as salmon and trout.

(K) *Stizostedion*, all species and their hybrids, commonly known as walleye, pike perch, jack salmon, sauger.

[(24)] (25) Game mammals: Deer, fox squirrel, gray squirrel, groundhog (woodchuck), cottontail rabbit, swamp rabbit, jack rabbits, and furbearers as defined.

[(25)] (26) Grab: The act of snagging or attempting to snag a fish by means of a pole, line and hook manipulated by hand.

[(26)] (27) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

[(27)] (28) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

[(28)] (29) Lessee: Any Missouri resident who resides on at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence and domicile is the same as the lessee's for at least thirty (30) days last past.

[(29)] (30) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

[(30)] (31) Longbow: A bow drawn and held by hand and not fastened to a stock nor to any other device which maintains the bow in a drawn position. This definition includes compound bows.

[(31)] (32) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rule (3 CSR 10-7.435).

[(32)] (33) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

[(33)] (34) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

[(34)] (35) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

[(35)] (36) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

[(36)] (37) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. Corporate ownerships do not apply under this definition.

[(37)] (38) Open season: That time when the pursuing and taking of wildlife is permitted.

[(38)] (39) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

[(39)] (40) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

[(40)] (41) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod or fly rod, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing or trotlines or other tackle normally attached in a fixed position.

[(41)] (42) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

[(42)] (43) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county or municipal funds or labor.

[(43)] (44) Pursue or pursued: Includes the act of trying to find, to seek or to diligently search for wildlife for the purpose of taking this wildlife.

[(44)] (45) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate share holders who reside on lands held by the corporation.

[(45)] (46) Sell: To exchange for compensation in any material form and the term shall include offering for sale.

[(46)] (47) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

[(47)] (48) Store and storage: Shall also include chilling, freezing and other processing.

[(48)] (49) Take or taking: Includes killing, trapping, snaring, netting or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting or use of any net, trap, device, contrivance or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

[(49)] (50) Transport and transportation: All carrying or moving or causing to be carried or moved from one (1) point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

[(50)] (51) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

(52) Ungulate: Hoofed animals.

[(51)] (53) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

[(52)] (54) Zoo: Any publicly-owned facility, park, building, cage, enclosure or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO

Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 23—Technician Certification Program

PROPOSED RULE

7 CSR 10-23.010 Definitions

PURPOSE: This rule provides definitions of terms applicable to the Missouri Department of Transportation's technician certification program.

(1) Apprentice certification. Temporary certification usually used for qualifying new hires, summer students, and seasonal workers.

(2) District coordinator. Missouri Department of Transportation (MoDOT) employee responsible for coordinating the Technician Certification Program (TCP) training activities within a district.

(3) Evaluator. An individual who has been approved by the materials qualification engineer (MQE) to administer performance evaluations.

(4) Materials qualification engineer (MQE). Missouri Department of Transportation employee responsible for coordinating the TCP training activities statewide.

(5) Review board. A board chaired by the State Project Operations Engineer that is responsible for oversight of the TCP and who makes decisions regarding decertification.

(6) Technician. An individual trained to perform sampling and acceptance testing of materials used in transportation construction projects.

(7) Technician Certification Program (TCP). A program administered by MoDOT to certify technicians who perform sample and acceptance testing of certain materials used in transportation construction projects.

(8) Trainer. An individual who has been approved by the MQE to perform classroom instruction and administer written examinations and performance evaluations.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 23 CFR Ch. 1, Part 637. Original rule filed May 7, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 23—Technician Certification Program**

PROPOSED RULE

7 CSR 10-23.020 Certification/Recertification for Qualified Sampling and Testing Technician

PURPOSE: This rule provides for individuals to become certified or recertified as qualified sampling and testing technicians as required by federal regulation at Title 23 Code of Federal Regulations, Ch. 1, Part 637.

(1) Applicability. This rule applies to all individuals seeking an initial certification or recertification from Missouri Department of Transportation (MoDOT) as a qualified sampling or testing technician.

(2) Applications. Any individual seeking an initial certification, recertification, or apprentice certification status shall complete either an Application for the MoDOT Technician Certification Program or Application Form—Apprentice Technician. The application forms can be obtained from the Internet at the MoDOT website at <http://www.modot.state.mo.us> or by contacting the materials qualification engineer (MQE). Completed applications are to be forwarded to the MQE.

(3) Initial Certification Requirements. Any individual seeking to be certified shall—

(A) Complete an Application for MoDOT Technician Certification Program in accordance with section (2) of this rule;

(B) Attend the required classroom instruction;

(C) Pass the written and performance examination given at the end of the classroom instruction;

(D) Certifications will be valid for three (3) years. Certification may be renewed in accordance with section (4) of this rule; and

(E) Certifications may be revoked pursuant to 7 CSR 10-23.030.

(4) Recertification Requirements. Any technician seeking to be recertified shall—

(A) Complete an Application for MoDOT Technician Certification Program in accordance with section (2) of this rule;

(B) Attend a classroom instruction in the subject which certification is due to expire;

1. To qualify for recertification, the classroom instruction must be attended within ninety (90) days after the current certification expiration date;

(C) Pass the written and performance examination given at the end of the classroom instruction;

(D) Recertification shall be valid for three (3) years from the date of recertification; and

(E) Recertifications may be revoked pursuant to 7 CSR 10-23.030.

(5) Apprenticeship Requirements. Any individual seeking apprentice certification shall—

(A) Complete an Application for MoDOT Technician Certification Program in accordance with section (2) of this rule;

(B) Attend classroom instruction in the test methods which certification is being requested;

(C) Pass the written and performance examination given at the end of the classroom instruction;

(D) Apprentice certification shall be valid until March 1 of the following year from the date of examination; and

(E) Certifications may be revoked pursuant to 7 CSR 10-23.030.

(6) Classroom Instruction. Classroom instruction is required for certification and recertification.

(A) Course Schedule. The course schedule and list of locations shall be available to any interested person. It is available on the Internet at the MoDOT website at <http://www.modot.state.mo.us> or by contacting the MQE.

(B) Application. To apply for a course, an application must be completed and submitted pursuant to section (2) of this rule.

(C) Costs. A fee schedule for courses can be found at the MoDOT website at <http://www.modot.state.mo.us> or by contacting the MQE. Charges for the courses will be invoiced upon acceptance of enrollment. Fees are forfeited if cancellation is not made within the time prescribed below in subsection (6)(D).

(D) Cancellation Policy. Cancellations must be made within ten (10) calendar days prior to the scheduled course date.

(7) Written Examination Requirements.

(A) Individuals seeking an initial certification in a course are required to achieve a score for the course taken as defined in subsection (7)(C). If the required score is not achieved they are granted a retest, which must be completed within sixty (60) days of the course date.

(B) Technicians seeking recertification in a course are required to achieve a score for the course taken as defined in subsection (7)(C). If the required score for recertification is not achieved a retest is not granted. If the technician fails the written exam for recertification, the technician must complete the initial certification requirements described in subsection (3)(A) and achieve a score as defined in subsection (7)(C) of this section to maintain their certification.

(C) Scores required for passing the written exam are—

1. For Level 1 Technician, the passing score shall be at least eighty-five percent (85%).

2. For Level 2 Soils, Aggregate or Concrete, the passing score shall be at least eighty-five percent (85%).

3. For Level 2 Bituminous, the passing score shall be at least eighty percent (80%).

4. For Profilograph, Aggregate Specific Gravity or Low Slump, the passing score shall be at least eighty-five percent (85%).

(D) Individuals seeking apprenticeship status must achieve a score of seventy percent (70%) for each test method.

(E) The reported information for the written examination will be Pass or Fail. Actual exam scores are not provided. Exam review is not allowed.

(8) Performance Examinations. The performance examinations given are demonstrations of the test procedure by the individual in the presence of an evaluator or trainer. To pass the performance examination the individual must present a demonstration of all critical items of the test procedure. Individuals are allowed two (2) opportunities to demonstrate the test procedure. If both performance examinations are failed, the individual must complete the initial certification requirements in section (3).

(9) Reciprocity. Any individual certified by any other state may be considered as meeting the Technician Certification Program requirements of MoDOT. Requests for reciprocity shall be submitted in writing to the MQE for consideration. The MQE consideration of granting reciprocity rests with the MQE and his/her interpretation of the program content in which the individual was certified.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 23 CFR Ch. 1, Part 637. Original rule filed May 7, 2002.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Transportation \$1,096,709 in the aggregate. A fiscal note is attached.

PRIVATE COST: This proposed rule is estimated to cost private individuals or industries two hundred thirty-six thousand seven hundred twenty dollars (\$236,720) in the aggregate. A fiscal note is attached.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	7 CSR 10-23.020, Certification/Recertification for Qualified Sampling and Testing Technician
Type of Rulemaking	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision.	Estimated Cost in the Aggregate.
Missouri Department of Transportation (MoDOT)	\$ 1,096,709

III. WORKSHEET

For Courses taught by MoDOT staff:

<u>Number of Courses</u>	<u>Course</u>	<u>Cost/Course</u>	<u>Total</u>
19	L1	\$4,860	\$ 92,340
57	L1R	3,650	208,050
11	L2A	2,600	28,600
20	L2AR	1,750	35,000
17	L2C	2,600	44,200
49	L2CR	1,750	85,750
9	L2S	2,600	23,400
45	L2SR	1,750	78,750
21	Profile	700	14,700
5	Low Slump	2,100	10,500
4	ASG	3,500	14,000

Coordinator Salary = \$59,245 x 8 hrs x 257 courses 121,807

Total MoDOT expenses for courses taught by MoDOT **\$757,097**

For Courses taught at University of MO - Rolla

<u>MoDOT Employees</u>	<u>Course</u>	<u>Cost/Course</u>	<u>Total</u>
50	L2B	\$ 800	\$ 40,000
130	L2BR	445	57,850

Travel expenses = 50 x 5 days @ \$100/day 25,000
130 x 2 days @ \$100/day 26,000

Total MoDOT expenses for Courses taught by University of MO, Rolla **\$ 148,850**

Materials Qualification Engineer **\$ 96,908**
Clerk for the program **\$ 44,451**
Supplies and equipment **\$ 37,633**
Meals **\$ 11,770**

Total **\$1,096,709**

IV. ASSUMPTIONS

1. The above assumptions are for the FY 2003 and are based upon the FY 2000.
2. Any salary figures are based upon the present pay grade of employees involved in the operation of the Technician Certification Program.
3. MoDOT anticipates that as a result of this program, it will cost an approximate total of \$1,096,709 to pay for the instructor salaries, Materials Qualification Engineer salary, Coordinator salaries, and clerical salaries. In addition the expenses by MoDOT include travel, lodging and other costs to send MoDOT employees to courses held by the University of Missouri – Rolla, to pay for meals served at the courses conducted by MoDOT and to cover costs for equipment and supplies(a budgeted amount to the program).
4. MoDOT anticipates providing a certain number of courses during FY 2003. The cost of courses provided by MoDOT were figured using the salary grade of the trainers (\$43.39/hr.) multiplied by the number of trainers multiplied by the number of hours spent on a specific course.
5. MoDOT anticipates paying the cost for 180 MoDOT employees to attend training at University of Missouri – Rolla. Fifty employees will attend a course costing \$800/student and 130 employees will attend a course costing \$445/student. Travel expenses for MoDOT employees are calculated at \$100/day. Five day course for 50 employees = \$25,000 and 2 day course for 130 employees = \$26,000.
6. Meals were calculated based upon the number of classes multiplied by the average number of students per class (12) multiplied by the number of days the class is held (number of days for each class varies.) The total number of meals anticipated using this calculation equaled 4,708 and a value of \$5/meal given. (\$23,540). However, approximately only half of the districts provide meals and the amount of \$23,540 was divided by 2 to equal \$11,770.
7. Any other costs not identified in this fiscal note are unforeseeable and unquantifiable as the exact cost of the program cannot be predicted.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	7 CSR 10-23.020, Certification/Recertification for Qualified Sampling and Testing Technician
Type of Rulemaking	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be effected by the adoption of the proposed rule:	Classification by types of the business entities which would be effected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
125	Firms (Contractors/Consultants)	\$236,720

III. WORKSHEET

For Courses taught by MoDOT staff:

Number of Students	Course	Cost/Course	Total
160	L1	\$ 200	\$ 32,000
99	L1R	100	9,900
60	L2A	200	12,000
99	L2AR	100	9,900
150	L2C	200	30,000
0	L2CR	100	0
50	L2S	200	10,000
0	L2SR	100	0
122	Profile	100	12,200
0	Low Slump	100	0
36	ASG	100	3,600

Total for courses taught by MoDOT

\$119,600

For Courses taught at University of Missouri – Rolla

Number of Students	Course	Cost-Course	Total
50	L2B	\$800	\$40,000
66	L2BR	445	29,370

Travel Expenses = 50 students x 5days @ \$125/day	31,250
66 students x 2 days @ \$125/day	16,500

Total for courses taught by University of MO, Rolla

\$117,120

TOTAL

\$236,720

IV. ASSUMPTIONS

- The above assumptions are for the FY 2003 and are based upon FY 2000 numbers with respect to total students to get an estimated total cost. The total number of firms employing the students is estimated at 125. It is further estimated that each firm will provide between one to three technicians.
- Any other costs not identified in this fiscal note are unforeseeable and unquantifiable as the exact number of students cannot be predicted.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 23—Technician Certification Program**

PROPOSED RULE

7 CSR 10-23.030 Decertification Procedures and the Appeal Process for Technicians

PURPOSE: This rule provides for the Missouri Department of Transportation to suspend or revoke a technician's certification status and the technician's right to appeal the suspension or revocation.

(1) Decertification.

(A) Any technician may have his/her certification suspended or revoked by the review board where:

1. The technician fails to renew their certification after three (3) years or fails to attend and pass the recertification course within ninety (90) days after the expiration date; or

2. The technician is found to have committed fraud, abuse, willful negligence, or has demonstrated incompetence identified by the technician's supervisor or a certified technician, verified by a second certified technician; and

3. Upon written notice by the district coordinator to the review board through the materials qualification engineer (MQE).

(B) At a minimum, if the review board finds that the technician has failed to renew his/her certification or, has failed to obtain recertification in the required time period, or is found to have committed acts described in paragraph (1)(A)2. above, the following actions may be taken:

1. First offense may result in a written reprimand.

2. Second offense may result in a minimum thirty (30)-day suspension of all certifications held by the technician. The review board reserves the right to establish in each case the effective date of any suspension. A technician who has incurred a suspension may also be required to attend a recertification course or courses prior to the reinstatement of his/her certification.

3. Third offense may result in a permanent revocation of certifications.

(C) The MQE must notify the technician in writing within ten (10) working days of any suspension or decertification determinations made by the review board.

(D) Any decertification action taken, other than permanent revocation of certifications, will be removed from technician's record three (3) years after the date of decertification.

(2) Appeal.

(A) Request for Informal Hearing. When the MQE notifies a technician of a decision made by the review board to suspend or revoke its certification, the technician will have the opportunity to present information and arguments and request an informal hearing by the review board. Such request must be submitted in writing to the review board through the MQE within thirty (30) days of the decertification determination made by the review board.

(B) Procedure. If the technician requests a timely informal hearing, the review board, through the MQE, shall advise the technician of the time, date and place of the informal hearing. This is not a contested case under Chapter 536, RSMo. The rules of evidence shall not apply at the informal hearing.

(C) Recourse. The decision of the review board after an informal hearing is considered final.

PUBLIC COST: This proposed rule is estimated to cost MoDOT four thousand five hundred dollars (\$4,500) in the aggregate. See attached fiscal note.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

AUTHORITY: sections 226.020, 226.130 and 227.030, RSMo 2000 and 23 CFR Ch. 1, Part 637. Original rule filed May 7, 2002.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	7 CSR 10-23.030, Decertification Procedures and the Appeal Process for Technicians
Type of Rulemaking	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision.	Estimated Cost in the Aggregate.
Missouri Department of Transportation (MoDOT)	\$ 4,500

III. WORKSHEET

An estimated three (3) decertifications/suspensions per year @ \$1,000 each = \$3,000
(20 working hours x \$50/hr.)

An estimated three (3) appeals per year @ \$500 each = 1,500
(10 working hours x \$50/hr.)

Total **\$4,500**

IV. ASSUMPTIONS

1. The above assumptions are for the FY 2003 and are based upon the number of decertifications for FY 2001.
2. Any salary figures are based upon the present pay grade medium of employees involved in the decertification or appeal process under the operation of the Technician Certification Program.
3. MoDOT anticipates that as a result of this proposed rule regarding the decertification and appeal process, it will cost MoDOT an estimated four thousand five hundred dollars (\$4,500) per year in the aggregate. The cost includes the identification of the need for action, verification of need for action, district coordinator review regarding need for action, written notice to the review board to take action, and the review of any information or argument presented by the technician during the appeal.
4. Any other costs not identified in this fiscal note are unforeseeable and unquantifiable as the exact number of decertifications/suspensions or number of appeals cannot be predicted.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED AMENDMENT

10 CSR 10-5.380 Motor Vehicle Emissions Inspection. The commission proposes to amend sections (1) through (8). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment revises the inspection requirements for 1996 and newer model year vehicles equipped with OBD technology and requires that an improvement in tailpipe emissions be made in order for a compliance waiver to be issued. The evidence supporting the need for this proposed rulemaking, per section 536.016, is the Final Federal Rule published by the EPA on April 5, 2001, the letter from the Missouri Department of Natural Resources to the EPA Region VII dated January 10, 2002 and the letter from the Alliance of Automotive Service Providers of Missouri to the Missouri Air Conservation Commission dated May 21, 2001. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule, subject vehicles include all vehicles operated on public roadways in the geographical area containing the City of St. Louis and the counties of St. Louis, St. Charles, and Jefferson and which are—

1. Registered in the area with the state of Missouri Department of Revenue;
2. Leased, rented, or privately owned and are not registered in the geographical area but are primarily operated in the area. A vehicle is primarily operated in the area if at least fifty-one percent (51%) of the vehicle's annual miles are in the area;
3. Owned or leased by federal, state, or local government agencies, and are primarily operated in the geographical area, but are not required to be registered by the state of Missouri; or
4. Owned, leased, or operated by civilian and military personnel on federal installations located within the geographical area, regardless of where the vehicles are registered.

(B) The following vehicles are exempt from this rule:

1. Model year vehicles prior to 1971;
2. Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) in excess of eight thousand five hundred (8,500) pounds;
3. Diesel powered vehicles;
4. Hydrogen powered vehicles;
5. Vehicles powered solely by electric motors;
6. Vehicles powered solely by alternative fuels without test procedures established by federal regulation;
7. Motorcycles and motortricycles;
8. New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two (2) years of such calendar year, which have an odometer reading of less than six thousand (6,000) miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;
9. Motor vehicles registered in the applicable area covered by this section of the rule which are domiciled and operated

exclusively in an area of the state not subject to the provisions of this section of the rule for a duration covering the next twenty-four (24) months. The owner of the vehicle shall present the director a sworn affidavit that the vehicle will be based and operated outside the covered area;

10. Tactical military vehicles; and

11. Visitor, employee, or military personnel vehicles on federal installations provided appointments do not exceed sixty (60) calendar days per calendar year.

(C) Starting July 1, 2000, owners of motor vehicles registered in Franklin County who choose to have their vehicles biennially emission inspected shall have their vehicles inspected at emission stations in the City of St. Louis or the counties of St. Louis, St. Charles, or Jefferson pursuant to this rule.

[(1)] (2) Definitions.

(A) [Definitions for key words used in this rule may be found in 10 CSR 10-6.020(2).] **Compliance cycle**—The two (2)-year duration during which a subject vehicle in the enhanced emission inspection program area is required to comply with sections 643.300–643.355, RSMo.

1. For private entity vehicles, the compliance cycle begins sixty (60) days prior to the subject vehicle's registration expiration.

2. For public entity vehicles, the compliance cycle begins on January 1 of each even-numbered calendar year.

[(B) Additional definitions specific to this rule are as follows:

[1.] (B) **Contractor**—The state contracted company who shall implement and operate the **centralized, enhanced** motor vehicle emission/s/ inspection program as specified in sections 643.300–643.355, RSMo/;].

[2.] (C) **Control chart**—[Statistical method of showing graphically, determining, forecasting, and maintaining performance conditions and parameters in the pursuit of appropriate quality control;] The graphical presentation of the results of statistical process control methods applied to emission inspection test equipment and personnel for the purposes of assuring the quality control of each emission inspection performed. Such charts identify situations that are "out of control" and enable trend analysis useful to pinpointing the need for improvements in quality control. The U.S. Environmental Protection Agency (EPA)-defined control charts are listed in April 2000 *IM240 & Evap Technical Guidance*, 40 CFR part 85, subpart W, section 2234, subsection (g), which is incorporated by reference.

[3.] (D) **Department**—The Missouri Department of Natural Resources/;].

(E) **Diagnostic Trouble Code (DTC)**—An alphanumeric code consisting of five (5) characters which is stored by a vehicle's On-Board Diagnostics system if a vehicle malfunctions or deteriorates in such a way as to potentially raise the vehicle's tailpipe or evaporative emissions more than 1.5 times the federal test procedure certification limits.

(F) **Emission inspection**—A series of tests performed on a vehicle in order to evaluate whether the mass or concentration of pollution that the vehicle emits exceeds a given standard or used to evaluate whether the vehicle's emission control components are present and properly functioning.

[4.] (G) **Gross Vehicle Weight Rating (GVWR)**—The value specified by the manufacturer as the maximum design loaded weight of a single vehicle/;].

(H) **Hybrid Electric Vehicle (HEV)**—Any vehicle that is designed with two (2) means of propulsion, one being a gasoline-powered internal combustion engine, the other being an electric motor powered by batteries.

(I) **Idle test**—An engine exhaust emissions test in which the engine of a vehicle remains at a relatively uniform number of revolutions per minute.

[5.] (J) **Initial emission inspection**—An emission inspection consisting of the test series that occurs the first time a vehicle is inspected in *[an inspection]* a compliance cycle. *[The required test fee is collected upon an initial inspection;].*

[6.] (K) **Light Duty Truck (LDT)**—Any motor vehicle rated at eight thousand five hundred *[pounds]* (8,500) pounds GVWR or less which has a vehicle curb weight of six thousand *[pounds]* (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. *[d/]*Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; *[or]*

2. *[d/]*Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or

3. *[a/]*Available with special features enabling off-street or off-highway operation and use*[:]*.

[7.] (L) **Light Duty Vehicle (LDV)**—A passenger car or passenger car derivative capable of seating twelve (12) passengers or less that is rated at six thousand (6,000) pounds GVWR or less*[:]*.

(M) **Malfunction Indicator Lamp (MIL)**—A warning light located on the dashboard of vehicles equipped with On-Board Diagnostics systems indicating to the vehicle operator that the vehicle either has a malfunction or has deteriorated enough to cause at least one (1) DTC to be stored.

(N) **On-Board Diagnostics (OBD)**—A vehicle emissions early-warning system required by federal law to be installed on all light-duty 1996 and newer model year vehicles for sale in the United States. The OBD system monitors sensors attached to all emission-control related components on a vehicle to ensure that the emission control system operates properly throughout a vehicle's lifetime.

(O) **On-Board Diagnostics (OBD) test**—A test in which a vehicle's OBD system is connected to a hand-held tool or computer capable of determining:

1. If the OBD system's readiness flags have been set;

2. If the MIL is functioning correctly; and

3. If the OBD system has stored any DTCs that are commanding the MIL to be illuminated.

[8.] (P) **Qualifying repair**—Any repair or adjustment performed on a vehicle's emission control system after failing an initial emission*[s]* inspection, that is *[appropriate]* reasonable to the test method failure. The qualifying repair must be performed within ninety (90) days of the date of initial emission inspection. *[Qualifying repairs shall include the repair or adjustment of emission control devices such that the requirements of parts (3)(H)1.B(IV)–(3)(H)1.B(XI) of this rule are satisfied;]* The qualifying repair may consist of either—

1. The parts costs, spent by a vehicle owner or charged to a vehicle owner by a repair technician, that are appropriate for the type of emission inspection failure; or

2. The parts and recognized labor costs, charged to a vehicle owner by a Recognized Repair Technician, that are appropriate for the type of emission inspection failure.

(Q) **Readiness flag**—A design feature of On-Board Diagnostics systems. If a readiness flag has been set, then the OBD system has completed a diagnostic check on that component. If a readiness flag has not been set, then the OBD system has not completed a diagnostic check on that component.

(R) **Recognized labor costs**—The labor costs that a Recognized Repair Technician charges for emission repair services rendered to a vehicle that fails its emission inspection;

[9.] (S) **Recognized *[r/]*Repair *[t/]*Technician**—*[a/]*Any person who—

[A.] 1. Is professionally engaged **full-time** in vehicle repair or employed by an ongoing business whose purpose is vehicle

repair. A Recognized Repair Technician may only be recognized by the department at one place of employment;

[B.] 2. Has valid certifications *[in]* from the National Institute for Automotive Service Excellence (ASE) in Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1) that have not expired; *[and]*

[C.] 3. Has satisfactorily completed an independent or vehicle manufacturer's training course, approved by the department, or has passed a nationally-recognized test, approved by the department, which course or test covers the emissions test*[s given]* methods used, diagnosis of the causes for failures, and repair work most frequently done for vehicles failing the transient emission test. Recognized Repair Technicians whose recognition expires or is revoked by the department must comply with paragraph (2)(S)3. of this rule again before being re-recognized by the department;

4. Has satisfactorily completed at least one (1) four (4)-hour continuing education course per calendar year offered by the department; and

5. Has not been reported by the department to the Attorney General for unlawful merchandising practices according to subsection 643.330.5, RSMo.

[10.] **Steady state emission test**—an engine exhaust emissions test in which the engine of a vehicle remains at a relatively uniform number of revolutions per minute;

11. **Tier 1—new gaseous, particulate tailpipe, and emission standards established by United States Environmental Protection Agency (EPA) for use in certifying new light duty vehicles and light duty trucks phased in beginning with the 1994 model year;**

[12.] (T) **Transient emission test**—*[a/]*An engine exhaust emissions test in which the engine of a vehicle is put under changing load requirements intended to simulate actual driving conditions*[:]* and*[.]*.

[13.] (U) **Unsafe condition**—*[t/]*The mechanical and physical condition of a motor vehicle which an emission*[s]* inspector believes has the potential to cause harm to persons, vehicles, or property during the course of an emission*[s]* inspection.

(V) **Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.**

[(2) Applicability.

(A) Except as provided in subsection (2)(B) of this rule, subject vehicles include all vehicles operated on public roadways in the geographical area containing the City of St. Louis and the counties of St. Louis, St. Charles, and Jefferson and which are:

1. Registered in the area with the state of Missouri Department of Revenue; or

2. Leased, rented, or privately owned and are not registered in the geographical area but are primarily operated in the area; or

3. Owned or leased by federal, state, or local government agencies, and are primarily operated in the geographical area, but are not required to be registered by the state of Missouri; or

4. Owned, leased, or operated by civilian and military personnel on federal installations located within the geographical area, regardless of where the vehicles are registered.

(B) The following vehicles are exempt from this rule:

1. Model year vehicles prior to 1971;

2. Motor vehicles with a manufacturer's GVWR in excess of eight thousand five hundred (8,500) pounds;

3. Diesel powered vehicles;

4. Hydrogen powered vehicles;

5. Electrically powered vehicles;

6. *Alternative-fueled vehicles without test procedures established by federal regulation;*

7. *Motorcycles and motortricycles;*

8. *New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two (2) years of such calendar year, which have an odometer reading of less than six thousand (6,000) miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;*

9. *Motor vehicles registered in the applicable area covered by this section which are domiciled and operated exclusively in an area of the state not subject to the provisions of this section for a period covering the next twenty-four (24) months. The owner of the vehicle shall present the director a sworn affidavit that the vehicle will be based and operated outside the covered area;*

10. *Tactical military vehicles; and*

11. *Visitor, employee, or military personnel vehicles on federal installations provided appointments do not exceed sixty (60) calendar days per calendar year.*

(C) *Starting July 1, 2000, owners of motor vehicles registered in Franklin County who choose to have their vehicles biennial emission inspected shall have their vehicles inspected at emission stations in City of St. Louis or the counties of St. Louis, St. Charles, or Jefferson pursuant to this rule.*

(3) General *[Requirements]* Provisions.

(A) Subject Vehicle Compliance.

1. *Private entity vehicle [C/]compliance with emission standards.*

A. Motor vehicles subject to this rule shall demonstrate compliance with emission standards in this rule. Such demonstration shall be made through the test~~[ing procedures]~~ methods specified in section (5) of this rule and be completed ~~[on the schedule]~~ according to the compliance cycle specified in ~~[this rule]~~ paragraph (2)(A)1., the inspection intervals specified in subsection (3)(B), and the inspection periods specified in subsection (3)(C) of this rule.

B. Completion of the ~~[scheduled demonstration]~~ emission inspection requirements is necessary for vehicle initial registration, registration renewal, or registration transfer.

C. Failure to complete a ~~[scheduled]~~ vehicle emission inspection during the compliance cycle or before vehicle registration shall be a violation of this rule. ~~[and t/]~~These violations are subject to penalties specified in subsection 643.355.5, RSMo.

2. *[Proof of] Public entity vehicle compliance with emission standards. [Federal, state, and local government agencies shall provide documentation of proof of compliance with this section to the department. The agencies shall use the following methods to establish proof of compliance:]*

A. *[Present a list on a quarterly basis of all vehicles owned by the agency or operated by agency personnel subject to this section;]* All subject vehicles owned by federal, state and local governments shall be emission inspected within the first twenty-four (24) months of the effective date of the enhanced emission inspection program.

B. After the first compliance cycle, all subject vehicles owned by federal, state and local governments shall be emission inspected according to the compliance cycle specified in paragraph (2)(A)2. and the inspection intervals specified in subsection (3)(B) of this rule.

C. All federal agencies shall ensure employee and military personnel vehicles meet the requirements of this subsection according to the December 1999 *Interim Guidance for Federal Facility Compliance With Clean Air Act Sections 118(c) and 118(d) and Applicable Provisions of State Vehicle Inspection*

and Maintenance Programs, which is incorporated by reference.

~~[B.]~~ D. All public entities shall ~~[P/]provide~~ department ~~[inspection]~~ personnel access to vehicle parking lots, garages, and areas otherwise used to store vehicles in order to examine vehicles for the presence of ~~[emission inspection]~~ windshield stickers. ~~[All federal agencies shall ensure employee and military personnel vehicles meet the requirements of this subsection; and]~~

C. All subject vehicles owned by federal, state and local governments shall be emission inspected within the first twenty-four (24) months of the effective date of the enhanced inspection and maintenance program in compliance with the model year requirement.]

E. Failure to complete a vehicle emission inspection within the compliance cycle specified in paragraph (2)(A)2. of this rule shall be a violation of this rule. These violations are subject to penalties specified in subsection 643.355.5, RSMo.

3. Vehicle fleets of five hundred (500) vehicles or more.

A. Vehicle fleets of five hundred (500) vehicles or more may be officially emission inspected outside of the centralized emission inspection stations designated for the general public, if the fleet inspection facilities are approved by the department. Owners or operators of such vehicle fleets shall use the state contractor to conduct the emission inspections.

B. Vehicle fleets using such inspection facilities shall be subject to the same inspection requirements as nonfleet vehicles.

C. Fleet inspection facilities shall be subject to quality assurance evaluations at least as stringent as those performed at public inspection stations.

D. Owners or operators may make repairs to fleet vehicles on-site.

4. Vehicle fleets of fewer than five hundred (500) vehicles. The department shall require operators of emission inspection facilities to accommodate fleets of ten (10) vehicles or greater with special hours, scheduling appointments during hours not open to the public, and providing a voucher payment system.

(B) *[Vehicle]* Emission Inspection Intervals.

1. Vehicles subject to this rule, manufactured as an odd-numbered model year vehicle are required to be inspected ~~[and approved]~~ by the enhanced emission inspection program in each odd-numbered calendar year. ~~[and as/]~~Subject vehicles manufactured as an even-numbered model year vehicle ~~[is/]~~ are required to be inspected ~~[and approved]~~ by the enhanced emission inspection program in each even-numbered calendar year.

2. At the time of registration transfer, subject vehicles are required by section 643.315.1, RSMo to be inspected ~~[and approved]~~ by the enhanced emission inspection program, regardless of the vehicle model year. At the time of registration transfer, prior to the sale of a vehicle, sellers of vehicles are required to provide the purchaser with an emission inspection compliance certificate or compliance waiver that is valid for registering the vehicle according to inspection period requirements of subsection (3)(C) of this rule.

(C) Emission Inspection Periods.

1. An emission inspection performed at an inspection station on a subject vehicle via the vehicle inspection process described in subsections (3)(F)–(J) of this rule is valid, for the purposes of obtaining registration or registration renewal, for a ~~[period]~~ duration of sixty (60) days from the date of passing inspection or waiver issuance.

2. Reinspections occurring fewer than ninety (90) days after the initial emission inspection are subject to subsections (3)(H)–(J) of this rule.

3. Reinspections occurring more than ninety (90) days after the initial emission inspection shall be considered to be an

initial emission inspection as defined in subsection (2)(J) and are subject to subsections (3)(F) and (G) of this rule.

4. An emission inspection performed on a subject vehicle via the clean screening inspection process described in paragraph (3)(K)1. of this rule and subsection (3)(L) of this rule are valid, for the purposes of obtaining registration or registration renewal, for a duration of sixty (60) days from the date the clean screening inspection payment is processed.

[(D)] *Fleets.*

1. *Fleet test facilities. Vehicle fleets of five hundred (500) vehicles or greater may be officially inspected outside of the centralized emission inspection stations designated for the general public, if the fleet test facilities are approved by the department. Vehicle fleets using such fleet testing facilities shall be subject to the same test requirements and quality control standards as nonfleet vehicles. Owners or operators of such vehicle fleets shall use the state contractor to conduct the emission inspection tests. Owners or operators may make repairs to fleet vehicles on site. Fleet test facilities shall be subject to at least as stringent quality assurance evaluations as public inspection stations.*

2. *Vehicle fleets less than five hundred (500). Vehicle fleets of ten (10) vehicles or greater shall be given special consideration at public test facilities. The department shall require operators of emission inspection test facilities to accommodate fleets with special hours, scheduling appointments during hours not open to the public, and providing a voucher payment system.]*

[(E)] **(D) Emission Inspection Fee.**

1. **At the time of an initial emission inspection, [T]the vehicle owner or driver shall pay twenty-four dollars (\$24) to the [centralized] emission inspection station, payable by cash, check or credit card.**

2. This **emission inspection** fee shall *[also]* include free reinspections, provided the vehicle owner or driver complies with all reinspection requirements as required in subsection (3)[(G)](H) of this rule, and the reinspections are conducted within thirty (30) days of the initial **emission** inspection.

3. **If an emission inspection fee is required, [T]the [required test/emission inspection fee shall be reduced on days of operation, other than the last three (3) days of operation in each calendar month, by an amount [proportional to] that corresponds with the time that the vehicle owner or driver is required to wait before the inspection begins. The emission inspection fee shall be reduced as follows:**

A. If the wait time is greater than thirty (30) minutes, the fee shall be reduced by ten dollars (\$10); or

B. If the wait time is greater than one (1) hour, the fee shall be reduced by twenty dollars (\$20).

4. **The fee for a clean screening inspection compliance certificate and windshield sticker shall be twenty-four dollars (\$24), payable by check, credit card or money order.**

[4.] 5. The fee reimbursed to the state by the contractor shall be two dollars and fifty cents (\$2.50) for each individual **emission inspection** fee paid by a vehicle owner or driver **at an inspection station or for a clean screening compliance certificate.** The fee shall be remitted to the Director of Revenue on a weekly basis. The Director of Revenue shall deposit the fee into the "Missouri Air Emission Reduction Fund" as established by section 643.350, RSMo.

(E) Emission Test Equipment.

1. **Performance features of emission test equipment. Computerized test systems are required for performing any measurement on subject vehicles. The test equipment shall be certified to meet EPA requirements. Newly acquired emission test systems shall be subjected to department acceptance test**

procedures to ensure compliance with enhanced emission inspection program specifications.

A. Emission test equipment shall be capable of testing all subject vehicles and will be updated as needed to accommodate new technology vehicles as well as changes to the program.

B. At a minimum, emission test equipment shall be:

(I) Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

(II) Secure from tampering and/or abuse;

(III) Based upon written specifications; and

(IV) Capable of simultaneously sampling dual exhaust vehicles.

2. **Functional characteristics of computerized test systems. The test system is composed of emission measurement devices and other motor vehicle test equipment controlled by a computer.**

A. The test system shall automatically:

(I) Make pass/fail decisions for all measurements;

(II) Record test data to an electronic medium;

(III) Conduct regular self-testing of recording accuracy;

(IV) Perform electrical calibration and system integrity checks before each test, as applicable; and

(V) Initiate system lockouts for—

(a) Tampering with security aspects of the test system;

(b) Failing to conduct or pass periodic calibration or leak checks;

(c) Failing to conduct or pass the constant volume sampler flow rate check;

(d) Failing to conduct or pass any of the dynamometer checks, including coast-down, roll speed and roll distance, power absorption capability, and inertia weight selection checks;

(e) Failing to conduct or pass the pressure monitoring device check; and

(f) A full data recording medium or one that does not pass a cyclical redundancy check.

B. Test systems shall include a data link to the department computer as specified in the contract between the department and the contractor(s).

C. The test system shall ensure accurate data collection by limiting, cross-checking, and/or confirming manual data entry.

3. **Evaporative system pressure test equipment. Evaporative system pressure test equipment shall be as specified by EPA in April 2000 IM240 & Evap Technical Guidance, 40 CFR part 85, subpart W, section 2227, which is incorporated by reference.**

4. **Single-speed and two (2)-speed idle test equipment. Idle test equipment requirements shall be as specified by EPA in 40 CFR part 51, subpart S, Appendix A, section (I) and Appendix D, section (I), which are incorporated by reference.**

5. **Transient emission test equipment. Transient emission test equipment shall meet standards specified by EPA in April 2000 IM240 & Evap Technical Guidance, 40 CFR part 85, subpart W, section 2226, which is incorporated by reference.**

6. **On-Board Diagnostics (OBD) test equipment. OBD test equipment shall meet the standards specified by EPA in 40 CFR part 85, subpart W, section 2231, which is incorporated by reference.**

(F) *[Vehicle] Emission Inspection [Process] Procedures.* The emission inspection shall *[consist of emission tests and functional tests which shall be subject to]* meet the following requirements:

1. Prior to entering the inspection station queuing area, the vehicle owner or driver shall be presented a time card for the verification of arrival time. Wait time shall be determined by the difference in time between the time of arrival and the time that emission inspection begins;

[1.] 2. If a subject vehicle is targeted for a voluntary or mandatory manufacturer's emission recall notice issued after July 1, 1995, the vehicle owner or operator shall present to the emission inspection station proof of compliance with the recall notice;

[2.] 3. A vehicle shall not be *[tested]* inspected if all or part of the vehicle manufacturer's original exhaust system is missing, leaking, or if the vehicle is in an unsafe condition as defined in subsection (2)(U) of this rule and determined by either the inspector or the department representative. If a motor vehicle is refused for inspection, then the *[inspector]* station manager, assistant station manager, or department representative shall give the motorist a form that identifies the reasons for inspection refusal. The reasons for inspection refusal include, but are not limited to, the safety, driveability, and test procedure concerns as determined by the station manager, assistant station manager, or department representative. No fee shall be charged for this inspection;

[3. Upon entering the inspection station queuing area and prior to inspection commencement, the vehicle owner or driver shall be presented a time card for the verification of arrival time and wait time;]

4. The vehicle owner or driver shall have access to an area in the inspection station that permits observation of the entire official inspection procedure of the vehicle *[tested]* being inspected. This access may be limited, but it shall not prevent observation;

5. Vehicles shall be *[tested]* inspected in as-received condition. An official *[test]* inspection, once initiated, shall be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition, unsafe conditions, or test completion via fast pass algorithms;

6. The initial emission inspection shall be performed according to the test methods described in subsections (5)(A)–(G) of this rule without repair or adjustment at the emission inspection station prior to commencement of any tests, except as provided for in the evaporative system pressure *[and purge]* test/s/. Emission inspections performed *[after]* within ninety (90) days of the initial emission inspection *[in an inspection cycle]* shall be considered a reinspection and are subject to provisions of subsection (3)(G)/(H) of this rule;

7. If a subject vehicle passes all emission inspection requirements within *[a complete inspection]* the compliance cycle described in subsection (2)(A) of this rule and the inspection period described in paragraph (3)(C)1. of this rule according to the standards described in subsection (3)(G) of this rule, the emission inspection station shall issue the vehicle owner or driver *[an emission inspection]* a compliance certificate *[of compliance]* certifying that the vehicle has passed the emission inspection, and place *[an emission inspection]* a windshield sticker on the windshield of the subject vehicle according to subsection (4)(A) of this rule. The positioning of the windshield sticker on the windshield of the vehicle shall take place on the premises of the emission inspection station;

8. If a subject vehicle fails any *[phase]* of the *[emission inspection requirements]* test methods described in subsections (5)(A)–(G) of this rule, the emission inspection station shall provide the vehicle owner or driver with *[an emission inspection]* a vehicle test report indicating which *[part(s)]* test method(s) of the emission inspection that the vehicle failed, *[a list of repair facilities employing at least one (1) recognized repair technician]* repair facility performance report, a repair data sheet, and a copy of the customer complaint procedure according to subsection (4)(B) of this rule; and

9. If a subject vehicle fails any *[part]* of the *[emission inspection]* test methods described in subsections (5)(A)–(G) of this rule, the vehicle owner must have the vehicle repaired and complete a repair data sheet before submitting the vehicle for reinspection; and/. The vehicle shall be reinspected according to the appropriate inspection period as determined by paragraphs (3)(C)2. and 3. of this rule and the reinspection procedures described in subsection (3)(H) of this rule.

[10. If the subject vehicle fails a reinspection, the vehicle owner can apply for a compliance waiver. If all waiver requirements as prescribed in subsections (3)(H) of this rule are met, a waiver shall be issued by the department-approved inspector at the emission inspection station.]

(G) Initial Emission Inspection Standards. Subject vehicles shall fail the emission inspection if the tailpipe emissions exceed the following measured values or if the vehicle does not meet the OBD test standards:

1. Single-speed idle test standards for Light Duty Vehicles and Trucks.

Model Year	HC (PPM)	CO (%)
1971–1974	700	7.0
1975–1979	600	6.0
1980	300	3.0

2. Maximum exhaust dilution shall be measured as no less than six percent (6%) carbon monoxide (CO) plus carbon dioxide (CO₂) by volume on vehicles subject to a single-speed idle test as described in 40 CFR part 51, subchapter S, Appendix B, paragraph (I)(a)(3), which is incorporated by reference;

3. Phase-in transient emission test standards. For transient emission tests performed through the first twenty-four (24) months after the effective date of the enhanced emission inspection program, the following test standards, measured in grams per mile (gpm), apply to all subject vehicles:

A. Light Duty Vehicles.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981–1982	2.0	60	3.0
1983–1990	2.0	30	3.0
1991–1995	1.2	20	2.5
1996 and newer	0.8	15	2.0

B. Light Duty Trucks less than or equal to six thousand (6,000) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981–1983	7.5	100	7.0
1984–1987	3.2	80	7.0
1988–1990	3.2	80	3.5
1991–1995	2.4	60	3.0
1996 and newer	1.0	20	2.5

C. Light Duty Trucks greater than six thousand (6,000) pounds GVWR but less than or equal to eight thousand five hundred (8,500) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981–1983	7.5	100	7.0
1984–1987	3.2	80	7.0
1988–1990	3.2	80	5.0
1991–1995	2.4	60	4.5
1996 and newer	2.4	60	4.0

4. Final transient emission test standards. For transient emission tests performed after the first twenty-four (24) months of implementation of the enhanced emission inspection

program, the following test standards, measured in grams per mile (gpm), apply to all subject vehicles:

A. Light Duty Vehicles.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981–1982	0.8	30	2.0
1983–1995	0.8	15	2.0
1996 and newer	0.6	10	1.5

B. Light Duty Trucks less than or equal to six thousand (6,000) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981–1983	3.4	70	4.5
1984–1987	1.6	40	4.5
1988–1995	1.6	40	2.5
1996 and newer	0.8	13	1.8

C. Light Duty Trucks greater than six thousand (6,000) pounds GVWR but less than or equal to eight thousand five hundred (8,500) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981–1983	3.4	70	4.5
1984–1987	1.6	40	4.5
1988–1995	1.6	40	3.5
1996 and newer	0.8	15	2.0

5. Two (2)-speed idle test standards for Light Duty Vehicles and Trucks that cannot be tested with the transient emission test equipment.

Model Year	HC (PPM)	CO %
1981 and newer	220	1.2

6. Single-speed idle test standards for vehicles registered by the Department of Revenue as specially constructed vehicles.

Model Year	HC (PPM)	CO %
1971 and newer	500	5.0

7. On-Board Diagnostics (OBD) test standards for 1996 and newer model year Light Duty Vehicles and Trucks. 1996 and newer model year Light Duty Vehicles and Trucks shall fail the emission inspection if they do not meet the OBD test standards specified by EPA in 40 CFR part 85, section 2207, which is incorporated by reference.

[[G]] (H) Emission Reinspection Procedures.

1. Emission reinspection fee.

A. To qualify for free reinspections, the vehicle owner or driver shall present the previous vehicle test report and the completed repair data sheet to the emission inspection station within thirty (30) calendar days of the initial emission inspection.

B. Reinspections occurring more than thirty (30) calendar days after the initial emission inspection shall only be performed upon payment of the emission inspection fee to the emission inspection station.

2. Repair data sheet. For a reinspection, the vehicle owner or driver shall present the previous vehicle test report and the completed repair data sheet to the inspection station. Whether repairs were performed by the owner, a Recognized Repair Technician, or someone other than a Recognized Repair Technician, the repair data sheet must be completed and presented to the inspector at the emission inspection station prior to the start of the emission reinspection.

[1.] 3. Reinspection procedure for 1971–1995 model year subject vehicles and, before January 1, 2003, for 1996 and

newer model year subject vehicles. *[All vehicles that require a reinspection are required to receive a visual emission control device inspection.]*

A. Vehicles that fail any *[part initial inspection or a reinspection]* of the test methods described in subsections (5)(A)–(G) of this rule shall be reinspected after repairs, using the test methods described in subsections (5)(A)–(G) of this rule to determine if the repairs were effective for correcting failures on the previous inspection, thereby reducing or preventing an increase in tailpipe or evaporative emissions.

B. To the extent that repairs done to correct a previous failure could lead to failure of another *[portion]* test method of the inspection, that *[portion]* test method shall also be *[retested/ repeated]*. Evaporative system repairs performed as a result of a vehicle failing *[either]* the evaporative system *[purge or]* pressure test will be cause for a complete reinspection covering all the initial emission inspection requirements contained in subsection (3)(F) of this rule.

C. The reinspection shall be performed without repair or adjustment at the emission inspection station prior to tests, except as provided for in the evaporative system pressure *[and purge/ tests]*.

[2. Repair data sheet. For a reinspection, the vehicle owner or driver shall present the previous emission inspection test results report and the completed repair data sheet to the inspection station. Whether repairs were performed by the owner, a recognized repair technician, or someone other than a recognized repair technician, the repair data sheet must be completed and presented to the department-approved inspector at the emission inspection station.

3. Reinspection fees. To qualify for free reinspections, the vehicle owner or driver shall present the emission inspection test report and the completed repair data sheet to the emission inspection station within thirty (30) calendar days of the initial emission inspection. Reinspections after the thirty (30)-day period shall only be performed upon payment of the full emission inspection test fee to the emission inspection station.]

4. Reinspection procedure for 1996 and newer model year vehicles between January 1, 2003, and December 31, 2004.

A. Vehicles that fail the OBD test described in subsection (5)(E) of this rule and the transient emission test described in subsection (5)(C) of this rule shall be reinspected according to subsections (5)(A) and (5)(C)–(G) of this rule, to determine if the repairs were effective for correcting failures on the previous inspection, thereby reducing or preventing an increase in tailpipe or evaporative emissions.

B. The reinspection shall be performed without repair or adjustment at the emission inspection station prior to tests, except as provided for in the evaporative system pressure tests.

5. Reinspection procedure for 1996 and newer model year vehicles after December 31, 2004.

A. Vehicles that fail the OBD test described in subsection (5)(E) of this rule shall be reinspected according to subsections (5)(A) and (5)(E)–(G) of this rule, to determine if the repairs were effective for correcting failures on the previous inspection, thereby reducing or preventing an increase in tailpipe or evaporative emissions.

B. The reinspection shall be performed without repair or adjustment at the emission inspection station prior to tests, except as provided for in the evaporative system pressure tests.

6. If the subject vehicle passes a reinspection according to paragraphs (3)(H)3.–5. of this rule, then the procedures in paragraph (3)(F)7. of this rule shall be followed.

7. If the subject vehicle fails a reinspection according to paragraphs (3)(H)3.–5. of this rule, the vehicle owner may either:

A. Have more repairs performed on the vehicle and bring the vehicle back for another reinspection; or

B. Apply for a compliance waiver according to the requirements in subsection (3)(I) of this rule.

[(H)] (I) [Issuance of a] Emission Inspection Waivers.

1. [The department, assistant station manager, or station manager at the emission inspection station shall issue an emission inspection certificate of compliance, with an indicator to show that the vehicle has received a waiver to the vehicle owner or driver, and an emissions inspection sticker shall be affixed to the subject vehicle provided the following waiver requirements are met] A vehicle shall be issued a compliance waiver under the following conditions:

A. The subject vehicle has failed the initial emission inspection, has had [and has failed a reinspection(s) after all] qualifying repairs [have been completed. As prescribed in paragraph (3)(G)2. of this rule, a completed repair data sheet for the failed initial inspection and for all failed reinspections in the applicable inspection cycle must also be presented to the department-approved inspector at the emission inspection station when applying for a waiver], and has failed an emission reinspection;

B. The vehicle operator has taken the vehicle to an emission inspection station or a state quality assurance/waiver facility and presented to the station manager, assistant station manager, or the department representative the vehicle test report, stating that the vehicle presented has failed the initial emission inspection and all subsequent emission reinspections;

C. The subject vehicle has shown a reduction in tailpipe emissions according to one (1) of the following requirements:

(I) If the measured tailpipe emissions of the preceding emission inspection were above the standards set in subsection (3)(J) of this rule, the measured tailpipe emissions of the reinspection must be equal to or below the standards set in subsection (3)(J) of this rule; or

(II) If the measured tailpipe emissions of the preceding emission inspection were equal to or below the standards set in subsection (3)(J) of this rule, the measured tailpipe emissions of the reinspection must show a reduction in the tailpipe emissions that caused the vehicle to fail the preceding emission inspection, and all of the measured tailpipe emissions must be equal to or below the standards set in subsection (3)(J) of this rule; or

(III) If the department representative at the state quality assurance/waiver facility verifies that the estimated cost, as described on an official estimate invoice signed and dated by a Recognized Repair Technician, of qualifying repairs necessary to reduce the measured emissions according to parts (3)(H)2.C.(I)–(II) of this rule would exceed the minimum limits specified in subparagraphs (3)(I)2.A.–C. of this rule by more than fifty percent (50%), then the department representative shall waive only the requirements of this subparagraph;

D. The subject vehicle has all of its emission control components correctly installed and operating as designed by the vehicle manufacturer. Used or aftermarket emission control components will not be accepted for compliance waiver purposes by the station manager, assistant manager, or department representative unless the vehicle owner presents to the station manager, assistant manager, or department representative written certification from the supplier or aftermarket manufacturer that the component(s) function as well as the originally designed component;

E. The vehicle operator has presented to the station manager, assistant station manager, or the department representative all itemized receipts of qualifying repairs. The qualifying repairs must meet the requirements of paragraph (3)(I)2. of this rule. The itemized receipts must meet the requirements of paragraph (3)(I)3. of this rule; and

F. The station manager, assistant station manager, or the department representative has, to the extent practical, visually verified that repairs were made and parts were repaired/replaced as claimed and that all emission control components originally installed on the vehicle by the manufacturer are present and operating as designed.

(I) The station manager, assistant station manager, or department representative shall use the visual emission control device test described in subsection (5)(G) of this rule to fulfill the requirement of this subparagraph.

(II) If the vehicle fails the emission control device visual test described in subsection (5)(G) of this rule, then the vehicle will be denied a compliance waiver.

[B.] 2. The amount spent on qualifying repairs shall[—] :

[(I)] A. Exceed seventy-five dollars (\$75) for pre-1981 model year vehicles;

[(III)] B. Exceed two hundred dollars (\$200) for 1981 to 199[6/5] model year vehicles;

[(III)] C. Exceed four hundred fifty dollars (\$450) for 199[7/6] and [later] all subsequent model year vehicles;

[(IV)] D. [Include parts costs and labor costs paid for qualifying emission repair services performed on the vehicle if paid by the vehicle owner and if the qualifying repairs were performed or supervised by a recognized repair technician as prescribed in part (3)(H)1.C.(IV) of this rule.] Be inclusive of parts costs paid for emission repair services. Recognized labor costs shall be applied toward a compliance waiver. For qualifying [emission repair services] repairs performed by someone other than a [r/Recognized [r/Repair [t/Technician, parts costs, but not labor costs, shall be [counted] applied toward [the minimum cost to qualify for] a compliance waiver;

[(V)] E. [Be appropriate to the test failure] Not include the fee for an emission inspection;

F. Not include charges for obtaining a written estimate of needed repairs;

G. Not include charges for checking for the presence of emission control devices;

H. Not include costs for repairs performed on the vehicle before the initial emission inspection failure or more than ninety (90) days before the reinspection;

[(VI)] I. Not include expenses which are incurred for the repair of emission control devices which have been found to be tampered with, rendered inoperative, or removed; and

[(VII)] J. Not include costs for emissions repairs or adjustments covered by an automobile manufacturer's warranty, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied toward the compliance waiver cost limitations. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present a written denial of warranty coverage, with a complete explanation, from the manufacturer or authorized dealer in order for this provision to be waived[.];

[(VIII)] Not include the fee for an emission inspection;

[(IX)] Not include charges for obtaining a written estimate of needed repairs;

(X) Not include charges for checking for the presence of emission control devices; and

(XI) Not include costs for repairs performed on the vehicle before the initial inspection failure[.];

[C.] 3. The vehicle [owner or driver] operator shall present the original of all itemized repair receipts at [the] an emission inspection station or a state quality assurance/waiver facility to demonstrate compliance with the qualifying dollar amount. [The department-approved inspector issuing a waiver shall

verify emission-related repairs by visually inspecting the vehicle and reviewing repair receipts.] The itemized repair receipt(s) shall[—]:

[(I)] A. Include the name[, address, and phone number] of the repair facility and the model year, make, model and vehicle identification number of the vehicle being repaired;

[(III)] B. Describe the diagnostic test(s) performed to identify the reason the vehicle failed an emission inspection, the emission repair(s) that were indicated by the diagnostic test(s), the emission repairs that were authorized by the vehicle owner or driver and performed by the repair technician, the vehicle part(s) that were serviced or replaced, and the diagnostic test(s) performed after the repairs were completed to verify that the vehicle's emissions were reduced or that the vehicle's emission control system is now operating as it was designed to operate by the manufacturer;

[(III)] C. [State] Clearly list the labor costs, if the vehicle was repaired by a repair technician, [(where applicable)] and parts costs separately for each repair. Unclear repair receipts that do not identify the vehicle that was repaired, do not itemize the actual cost of the parts that were serviced, do not list the labor costs separately from the parts costs, or contain fraudulent information or parts costs as determined by the station manager, assistant station manager, or department representative shall not be accepted for the purpose of obtaining a compliance waiver; [and]

[(IV)] D. Include the repair technician's name (printed or typed), [and] signature [of] and, if applicable, the [r/Recognized [r/Repair [t/Technician ID number of the repair technician that performed [or supervised] the repair work [(where applicable)]; and

E. Confirm that payment was collected for the services rendered and/or parts replaced as listed on the itemized repair receipt(s).

[D. The vehicle owner or driver shall present a completed, signed waiver affidavit provided by the contractor to department-approved inspector at the emission inspection station indicating the costs of repairs and stating that the repairs were made in an attempt to meet the appropriate emission standards. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.]

4. If the conditions of paragraphs (3)(I)1.-3. of this rule have been met, the station manager, the assistant station manager, or the department representative shall issue a compliance waiver and affix the windshield sticker to the vehicle. The windshield sticker shall meet the requirements of subparagraph (4)(A)2.A. of this rule.

[2.] 5. The department/[approved inspector] shall issue an emission inspection compliance certificate [of compliance], with an indicator to show that the vehicle has received an out of area waiver to the vehicle owner or driver, and [an emissions inspection] a windshield sticker shall be affixed to the subject vehicle, provided the vehicle owner or driver presents a completed, signed waiver affidavit to the department/[approved inspector] indicating that the vehicle will be operated exclusively in an area outside of the inspection area but within the state for a [period] duration of at least the next twenty-four (24) months.

[3.] 6. The department/[approved inspector] shall issue an emission inspection compliance certificate [of compliance] with an indicator to show that the vehicle has received a reciprocity waiver to the vehicle owner or driver, and [an emissions inspection] a windshield sticker shall be affixed to the subject vehicle, provided the vehicle owner or driver presents proof, acceptable to the department/[approved inspector], that the subject vehicle has successfully passed an emission inspection of another state

within the previous twelve (12) months which has been deemed equivalent to Missouri's emission inspection by the department.

(J) Compliance Waiver Emission Standards. Subject vehicles shall be permitted to receive a compliance waiver according to paragraph (3)(I)1. of this rule if, after receiving qualifying repairs, the tailpipe emissions are equal to or below the following measured emission values:

1. Single-speed idle test waiver standards for Light Duty Vehicles and Trucks.

Model Year	HC (PPM)	CO %
1971-1974	900	9.0
1975-1979	800	8.0
1980	500	5.0

2. Maximum exhaust dilution will be measured as no less than six percent (6%) carbon monoxide (CO) plus carbon dioxide (CO₂) by volume on vehicles subject to a steady-state test as described in 40 CFR part 51, subchapter S, Appendix B, paragraph (I)(a)(3), which is incorporated by reference;

3. Transient emission test waiver standards.

A. Light Duty Vehicles.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1982	2.0	60	3.0
1983-1990	2.0	30	3.0
1991-1995	1.2	20	2.5

B. Light Duty Trucks less than six thousand (6,000) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1983	7.5	100	7.0
1984-1987	3.2	80	7.0
1988-1990	3.2	80	3.5
1991-1995	2.4	60	3.0

C. Light Duty Trucks greater than six thousand (6,000) pounds GVWR but less than eight thousand five hundred (8,500) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1983	7.5	100	7.0
1984-1987	3.2	80	7.0
1988-1990	3.2	80	5.0
1991-1995	2.4	60	4.5

4. Two (2)-speed idle test waiver standards for Light Duty Vehicles and Trucks that cannot be tested with the transient emission test equipment.

Model Year	HC (PPM)	CO %
1981 and newer	300	2.0

5. Single-speed idle test waiver standards for vehicles registered by the Department of Revenue as specially constructed vehicles.

Model Year	HC (PPM)	CO %
1971 and newer	700	7.0

6. On-Board Diagnostics (OBD) test waiver standards for 1996 and newer model year Light Duty Vehicles and Trucks.

A. Between January 1, 2003 and December 31, 2004, vehicles that fail the OBD test described in subparagraph (5)(E)3.C. of this rule shall be eligible to receive a compliance waiver, provided the vehicle's tailpipe emissions are equal to or below the permanent transient test standards described in paragraph (3)(G)4. of this rule.

B. Beginning January 1, 2005, vehicles that fail the OBD test described in subparagraph (5)(E)4.C. of this rule shall not be eligible to receive a compliance waiver.

[(III)] (K) Clean Screening Emission Inspection Requirements. Clean screening shall be used to exempt the cleanest subject vehicles from emission/s *testing/ inspections* at centralized emission inspection stations. All subject vehicles including federal, state, and local government agency vehicles shall be eligible for clean screening. Motorist participation shall be strictly voluntary.

1. All clean screening plans must be approved by the state agency. Clean screening plans shall meet at least one **(1)** of the following requirements:

A. Remote Sensing Device (RSD) *[Requirements] method.* *[The cutpoints shall be determined corresponding to vehicle model year and measure vehicle emission concentrations for hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NO_x) according to the EPA guidelines in "Description and Documentation for Interim Vehicle Clean Screening Credit Utility" (Draft Report) May 1998. The cutpoints should minimize the potential of dirty vehicles being falsely identified as clean. The use of speed and acceleration analysis to define a valid test should also be used.]* Remote sensing data collection shall occur during each month of the year, weather permitting, so that clean screening exemptions due to remote sensing are distributed throughout the year.

(I) Remote sensing units shall be designed, programmed, maintained, calibrated, and quality assured in keeping with good engineering practice.

(II) Two (2) valid RSD tests with all three (3) pollutants **and appropriate speed and acceleration values** on each test are required to exempt a vehicle with a clean screening determination. If a vehicle's record lacks any of the three (3) pollutant concentrations, that vehicle shall not be eligible for exemption based upon that record.

(III) The two (2) valid RSD tests must be recorded no more than twelve (12) months before the **subject vehicle's [emission test/ registration expiration. RSD [T/]test results** must be recorded on two (2) different days. If the vehicle database accumulates more than two (2) records during the twelve (12)-month period **described in this part of the rule**, the two (2) most recent tests must be used for clean screening evaluation.

(IV) Remote sensing sites must be selected and rotated to achieve broad vehicle fleet coverage. Remote sensing sites must also be selected using good engineering practice in terms of traffic flow, road grade, acceleration, speed, and other appropriate items. Sites should be selected that avoid vehicles still in cold start mode.

(V) Record gathering for more recent RSD data shall cease *[one (1) month] at least fifteen (15) days ahead of the beginning of each vehicle's [registration month] compliance cycle.* This cutoff allows time to match RSD tests, identify which vehicles can be exempted, and notify vehicle owners before the vehicle registration deadline **according to subsections (4)(C) and (5)(H) of this rule.**

[(VI)] Owners of eligible vehicles shall be notified one (1) month prior to the vehicle's registration month that the clean screening database contains two (2) valid records meeting the required cutpoints.

(a) The notification shall be sent to the subject vehicle owner's most current address on record.

(b) The notification shall include the dates, locations and the two (2) valid test results compared to the appropriate cutpoints.]

*[(VII)] (VI) A two percent (2%) random sample of the vehicles that would be excused from an emission/s *testing/ inspection at an inspection station* based on *[their remote sensing records] the RSD method* shall undergo the emissions *[test] inspection at an inspection station* during the *[normal**

inspection frequency] compliance cycle. [The EPA shall approve the size of the random sample.] To assure these vehicles are truly random and not specially altered for the emission/s/ *testing/ inspection*, owners of these vehicles shall not be informed of their **vehicle's clean screening [exemption] eligibility** status;

[B. Vehicle Emissions Profiling Requirements. Low Emitter Profiling (LEP) shall be used to exempt the cleanest subject vehicles according to the EPA guidelines in "Description and Documentation for Interim Vehicle Clean Screening Credit" (Draft Report) May 1998. RSD and emissions testing information may be used to supplement the profiling process.

(I) An LEP database shall be developed for the subject vehicles using sufficient information from both the Department of Revenue Motor Vehicle Bureau database and fleets in other states according to the EPA guidelines. The database shall have at least one (1) million vehicle records spanning a one (1) to two (2)-year period.

(II) The vehicle profiles shall identify all subject vehicles required to undergo emissions testing grouped by engine family, defined as vehicle model year, make, model, engine size, and fuel metering system, and the probability that a particular vehicle in each grouping would fail the relevant emissions test.

(III) The LEP database shall be updated on a regular interval based on data gathered from the subject vehicles.

(IV) Owners of eligible vehicles that meet the LEP requirements shall be notified one (1) month prior to the vehicle's registration month.

(a) The notification shall be sent to the subject vehicle owner's most current address on record.

(b) The notification shall list the LEP requirements for that engine family.

(V) A random sample of the vehicles that would be excused from emissions testing based on their LEP shall undergo the emissions test during the normal inspection frequency; or

C. Alternative Methods Requirements.]

B. Hybrid method.

(I) The EPA and the department shall approve the use of *[any alternative] the Hybrid method [or new technologies]* used for clean screening.

(II) *[Owners of eligible vehicles that meet the department-approved clean screen requirements shall be notified one (1) month prior to the vehicle's registration month.] One (1) valid RSD test with all three (3) pollutants and appropriate speed and acceleration values is required to exempt a vehicle with a clean screening determination. If a vehicle's record lacks any of the three (3) pollutant concentrations, that vehicle shall not be eligible for exemption based upon that record.*

(III) [The notification shall include information approved by the department. The notification shall be sent to the subject vehicle owner's most current address on record.] The one (1) valid RSD test must be recorded no more than twelve (12) months before the end of the subject vehicle's registration expiration. If the vehicle database accumulates more than one (1) record during the twelve (12)-month period described in this part, the most recent test must be used for clean screening evaluation.

(IV) A Low Emitter Index (LEI) database shall be developed for the subject vehicles using sufficient information from both the Department of Revenue Division of Motor Vehicle and Drivers Licensing database and fleets in other states according to the EPA guidelines. The database shall have

at least one (1) million vehicle records spanning a one (1) to two (2)-year duration.

(V) The LEI database shall identify all subject vehicles required to undergo emission inspections grouped by engine family, defined as vehicle model year, make, model, engine size, and fuel metering system, and the probability that a particular vehicle in each grouping would fail the relevant emissions tests.

(VI) The LEI database shall be updated on a regular interval with data gathered from the vehicles subject to this rule.

(VII) Record gathering for more recent RSD data shall cease at least fifteen (15) days ahead of the beginning of each vehicle's compliance cycle. This cutoff allows time to identify which vehicles can be exempted, and notify vehicle owners before the vehicle registration deadline according to subsections (4)(C) and (5)(H) of this rule.

(VIII) The one (1) valid RSD test described in part (3)(K)1.B.(II) of this rule shall be matched with a LEI database record that corresponds with the engine family of the subject vehicle. In order for a subject vehicle to be eligible to receive a clean screening notification document, both of the following conditions must be met:

(a) The RSD test must be below the clean screening standards described in subsection (3)(L) of this rule; and

(b) The LEI record must indicate that the subject vehicle has a low probability of failing the corresponding emission tests described in subsections (5)(A)–(E) of this rule.

[(IV)] (IX) A two percent (2%) random sample of the vehicles that would be excused from an emission/s testing/ inspection at a inspection station based on the [alternative/ Hybrid method shall undergo the emissions [test/ inspection at an inspection station during the [normal inspection frequency/ compliance cycle. To assure these vehicles are truly random and not specially altered for the emission inspection, owners of these vehicles shall not be informed of their vehicle's clean screening eligibility status.

[2. The fee for a clean screen compliance certificate and sticker shall be twenty-four dollars (\$24) provided the requirements of paragraph (3)(I)1. of this rule are met.

3. The fee reimbursed to the state by the contractor shall be two dollars and fifty cents (\$2.50) per paid clean screen certificate. The fee shall be remitted to the Director of Revenue on a weekly basis. The Director of Revenue shall deposit the fee into the "Missouri Air Emission Reduction Fund" as established by 643.350, RSMo.]

[4.] 2. An on-road testing program shall provide information about the emission performance of in-use subject vehicles by measuring on-road emissions through the use of remote sensing devices [or roadside pullovers including tailpipe emission testing/]. The program shall collect and analyze on-road testing data. On-road testing is not required every season or on every vehicle but shall evaluate the emission performance of at least 0.5% of the subject fleet. [Owners of subject vehicles that have previously been through the normal periodic emission inspection and passed the final retest that are found to be high emitters shall be notified that the vehicles are required to pass an out-of-cycle follow up emission inspection.]

(L) Clean Screening Emission Inspection Standards. Subject vehicles shall be eligible to receive a clean screening notification document according to paragraph (3)(K)1. and subsection (5)(H) of this rule if the on-road tailpipe emissions are equal to or below the following measured emission values:

Model Year	HC (PPM)	CO (%)	NO _x (PPM)
1971 and newer	200	0.5	2000

[(J)] (M) Vehicle Registration. After a subject vehicle has passed the emission inspection according to either subsection (3)(F) or (H) of this rule, [or/ received a waiver according to subsection (3)(I) of this rule, or been clean screened according to subsection (3)(K) of this rule, the emission inspection compliance certificate [of compliance/ issued by the emission inspection station or the clean screening compliance certificate mailed to the vehicle owner shall be submitted with registration documents by the vehicle owner or representative to the Missouri Department of Revenue at the time of vehicle registration. [This requirement shall not apply to vehicles registered during the transitional period under subsection (7)(C) of this rule.]

[(K) Any person who owns Missouri Analyzer System emission inspection equipment as defined by 11 CSR 50 Chapter 2, used to provide emissions inspections under 307.366, RSMo, at an emission inspection facility may, within twelve (12) months of the implementation of an emissions inspection program under sections 643.300 to 643.355, RSMo, sell such equipment, to the department. The emission inspection equipment shall be fully functional, maintained according to all applicable manufacturer's specifications and procedures and in use, as verified by department audit records. The department shall select an independent appraiser to determine the current market value of the emission inspection equipment. If any person has a lease entered into prior to January 1, 1992, the department will take possession of such equipment and assume all payment obligations if such obligations are not in excess of one hundred and twenty-five percent (125%) of current market value as determined by the independent appraiser.]

[(L)] (N) Violations and Penalties. Persons violating this rule shall be subject to penalties contained in section 643.355, RSMo.

(O) Quality Control.

1. Quality control requirements for the contractor(s).

A. Contractor conduct.

(I) The department shall appoint only entities under contractual agreement with the department to operate official emission inspection stations, which includes conducting emission inspections and issuing compliance certificates.

(II) Conducting the business of the official emission inspection station shall be performed in such a way that it satisfies the intent of the enhanced emission inspection program by effectively identifying vehicles that fail to meet acceptable emission standards.

(III) Failure to comply with the provisions of this rule and the contract shall be considered a violation of this rule and shall be sufficient cause for suspension of emission inspection privileges and authority to issue compliance certificates.

B. Emission inspectors.

(I) The contractor shall provide to the department an education and training plan, to be approved by the department, for designated emission inspectors.

(II) All contractor personnel who perform emission inspections at each emission inspection station shall be designated by the contractor as emission inspectors.

(III) The contractor shall be responsible for the conduct of emission inspectors.

(IV) Designation as an emission inspector may be suspended by a department quality assurance officer immediately at any time due to a violation of this rule or a provision of the contract.

(V) The contractor shall maintain for the department a registry of designated emission inspectors, that at a minimum includes the inspector's name, beginning date of inspection duties, ending date of inspection duties and description of inspection performance.

C. Inspection records.

(I) All inspection records, calibration records, and control charts shall be accurately created, recorded, and maintained by the contractor.

(II) The contractor and all employees of the contractor shall make available all records and information requested by the department and shall fully cooperate with department personnel and other authorized state representatives or agents who conduct audits and other quality assurance procedures.

(III) All contractors subject to this rule shall maintain emissions inspection records, including repair information as well as all inspection results.

(a) These records shall be kept for at least three (3) years after the date of an initial emissions inspection.

(b) These records shall be made available immediately upon request for review by department personnel.

(c) These records shall also be made available to the department on a continual basis through the use of an automated communication system approved by the department.

2. General requirements. General requirements for quality control practices for all test equipment shall be as follows:

A. At a minimum, the practices described in this section, in the contract, in 40 CFR part 51, subpart S, Appendix A, and in April 2000 *IM240 & Evap Technical Guidance*, 40 CFR part 85, subpart W, sections 2234 and 2235, which are incorporated by reference, shall be followed;

B. Preventive maintenance on all emission inspection equipment shall be performed on a periodic basis, as provided by the contract between the department and the contractor(s) and consistent with EPA and the equipment manufacturer's requirements;

C. To assure quality control, computerized analyzers shall automatically record quality control check information, lockouts, attempted tampering and any circumstances which require a service representative to work on the equipment;

D. To assure test accuracy, equipment shall be maintained according to demonstrated good engineering procedures;

E. Computer control of quality assurance checks and quality control charts shall be used whenever possible; and

F. The emission inspection station shall transmit the emission inspection results and the quality control results to the department as prescribed in the contract between the department and the contractor(s).

3. Evaporative system pressure test equipment quality control requirements. Calibration and maintenance procedures shall be as specified by EPA in April 2000 *IM240 & Evap Technical Guidance*, 40 CFR part 85, subpart W, section 2235, which is incorporated by reference.

4. Single-speed and two (2)-speed idle test equipment quality control requirements. Calibration and maintenance procedures shall be as specified by EPA in 40 CFR part 51, subpart S, Appendix A, paragraph (I), which is incorporated by reference.

5. Transient emission test equipment quality control requirements. Calibration and maintenance procedures shall be as specified by EPA in April 2000 *IM240 & Evap Technical Guidance*, 40 CFR part 85, subpart W, section 2234, which is incorporated by reference.

[(4) *Emission Standards. Subject vehicles shall fail the steady-state (idle test) or the transient emission test if they exceed the following measured emission values:*

(A) *Idle test standards for light duty vehicles and trucks less than eight thousand five hundred (8,500 lbs.) pounds GVWR.*

Model Year	CO%	HC (PPM)
1971-1974	7.0	700
1975-1979	6.0	600
1980	3.0	300

(B) *Maximum exhaust dilution will be measured as no less than six percent (6%) carbon monoxide (CO) plus carbon dioxide (CO₂) by volume on vehicles subject to a steady-state test as described in July 1998, Title 40 CFR part 51, subchapter S, Appendix B, which is adopted by reference;*

(C) *Phase-In Transient Test Emission Standards. For transient emission inspection tests performed through the first twenty-four (24) months after the effective date of the enhanced inspection and maintenance program, the following test standards, measured in grams per mile (gpm), apply to all subject vehicles:*

1. *Light duty vehicles.*

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1982	2.0	60	3.0
1983-1990	2.0	30	3.0
1991-1993	1.2	20	2.5
Non-Tier I Vehicle			
1994-1995	1.2	20	2.5
Tier I Vehicle			
1994 and Newer	0.8	15	2.0

2. *Light duty trucks less than six thousand (6,000 lbs.) pounds GVWR*

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1983	7.5	100	7.0
1984-1987	3.2	80	7.0
1988-1990	3.2	80	3.5
1991-1993	2.4	60	3.0
Non-Tier I Vehicle			
1994-1995	2.4	60	3.0
Tier I Vehicle			
1994 and Newer	0.8	15	2.0

3. *Light duty trucks greater than six thousand (6,000) pounds GVWR but less than eight thousand five hundred (8,500) pounds GVWR.*

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1983	7.5	100	7.0
1984-1987	3.2	80	7.0
1988-1990	3.2	80	5.0
1991-1993	2.4	60	4.5
Non-Tier I Vehicle			
1994-1995	2.4	60	4.5
Tier I Vehicle			
1994 and Newer	1.0	20	2.5

(D) *Permanent Transient Test Emission Standards. For transient emission tests performed after the first twenty-four (24) months of implementation of the program, the following test standards apply to all subject vehicles:*

1. Light duty vehicles.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1982	0.8	30	2.0
1983-1993	0.8	15	2.0
Non-Tier I Vehicle			
1994-1995	0.8	15	2.0
Tier I Vehicle			
1994 and Newer	0.6	10	1.5

2. Light duty trucks less than six thousand (6,000) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1983	3.4	70	4.5
1984-1987	1.6	40	4.5
1988-1993	1.6	40	2.5
Non-Tier I Vehicle			
1994-1995	1.6	40	2.5
Tier I Vehicle			
1994 and Newer	0.6	10	1.5

3. Light duty trucks greater than six thousand (6,000) pounds GVWR but less than eight thousand five hundred (8,500) pounds GVWR.

Model Year	HC (GPM)	CO (GPM)	NO _x (GPM)
1981-1983	3.4	70	4.5
1984-1987	1.6	40	4.5
1988-1993	1.6	40	3.5
Non-Tier I Vehicle			
1994-1995	1.6	40	3.5
Tier I Vehicle			
1994 and Newer	0.8	13	1.8

(E) Two-speed idle test standards for light duty vehicles and trucks less than eight thousand five hundred (8,500) pounds GVWR that cannot be transient tested.

Model Year	CO (%)	HC (PPM)
1981 and newer	1.2	220

(F) Vehicles registered by the Department of Revenue as specially constructed vehicles shall be subject to emission standards applicable to the EPA certified engine configuration with which the vehicle is equipped.]

(4) Reporting and Record Keeping.

(A) The contractor shall provide the owners or drivers of vehicles that pass the emission inspection, or are issued a compliance waiver, an emission inspection compliance certificate and windshield sticker. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period.

1. The compliance certificate shall contain:

A. A vehicle description, including license plate number, vehicle identification number, vehicle make, vehicle model, vehicle model year, and odometer reading;

B. The date and time of inspection;

C. The applicable test standards;

D. The applicable test results, including exhaust quantities, if applicable, a pass indicator for the evaporative system pressure test(s), and a pass indicator for the visual emission control device test;

E. The results of the recall provisions check, if applicable, including the recall campaign number and the date the recall repairs were completed;

F. A certification that tests were performed in accordance with the regulations;

G. A waiver indicator, if applicable; and

H. The statement: "This inspection is mandated by your United States Congress."

2. The windshield sticker shall:

A. Be affixed by the emission inspector to each vehicle which is subject to and passes the emission inspection, or has been issued a waiver on the inside of the vehicle's front windshield in the lower left hand corner. A windshield sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed. Destroyed, damaged, or lost windshield stickers can only be replaced after a satisfactory explanation of the details of the incident has been furnished to the department. Windshield stickers are valid for two (2) calendar years; and

B. Contain the statement: "This inspection is mandated by your United States Congress."

(B) The contractor shall provide the vehicle owner or driver of a vehicle that fails an emission inspection with a vehicle test report. Also provided shall be a repair facility performance report, a repair data sheet, and a copy of the customer complaint procedure. The contractor shall not refer vehicle owners to a particular repair station(s) that may or may not be included in the repair facility performance report. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period.

1. The vehicle test report shall include:

A. A vehicle description, including license plate number, vehicle identification number, vehicle make, vehicle model, vehicle model year, and odometer reading;

B. The date and time of inspection;

C. The identification number of the individual(s) performing the test and the location of the inspection station and lane number;

D. The type of tests performed, including emission tests, visual checks for the presence of emission control components, and functional evaporative system tests;

E. The applicable test standards;

F. The test results, including exhaust quantities, pass/fail results for the evaporative system pressure test(s), and which emission control devices visually tested were passed, failed, or not applicable;

G. If the vehicle is subject to the OBD test described in subsection (5)(E) of this rule, the information required by 40 CFR part 85, subpart W, section 2223, which is incorporated by reference;

H. To the extent possible, a description of the nature of the failure and the components responsible, recommended repair and adjustment procedures, and an estimated cost for those repairs;

I. A statement indicating the availability of warranty coverage as required in section 207 of the Clean Air Act;

J. The results of the recall provisions check, if applicable, including the recall campaign number and date the recall repairs were completed;

K. A statement that the vehicle test report is not valid for vehicle registration purposes; and

L. A statement that the vehicle may be reinspected for free according to subparagraph (3)(H)1.A. of this rule.

2. The repair facility performance report shall list facilities employing at least one (1) Recognized Repair Technician in the area which perform emission related repairs on vehicles and information on the results of emission repairs performed by these facilities. This information shall include:

A. Statistics on the number of vehicles submitted for an emission reinspection after repairs by the repair facility;

B. The percentage of vehicles repaired by the repair facility that passed a reinspection; and

C. The percentage of vehicles repaired by the repair facility that were granted compliance waivers.

3. A repair data sheet must be completed prior to an emission reinspection beginning. The repair data sheet shall include:

A. The total cost of repairs, divided into parts and labor costs;

B. The printed name and signature of the person who performed the repairs and, if applicable, the Recognized Repair Technician's ID number;

C. If applicable, the name of the repair facility and, if the repair facility employs a Recognized Repair Technician, the repair facility's ID number;

D. The type of inspection failure the vehicle was being repaired for and the emission-related repairs performed;

E. If applicable, the signature of the repair technician to indicate if all of the emission-related repairs that they recommended to the motorist were completed; and

F. If applicable, the printed name and signature of the vehicle owner if the owner is seeking a compliance waiver.

4. The contractor shall collect all repair data sheets submitted at the emission inspection stations. The information contained on the repair data sheets shall be electronically entered into a database and made available to the department according to the contract.

5. The customer complaint procedure shall include the telephone number of the department's quality assurance facility. Any challenge regarding the performance or results of the emission inspection must be made in writing within ten (10) business days of the failure of the emission inspection.

(C) The contractor shall send the owners of vehicles that pay for a clean screening inspection according to paragraph (3)(D)4. and subsection (5)(H) of this rule a clean screening inspection compliance certificate and windshield sticker.

1. If the subject vehicle is eligible for clean screening via the RSD method described in subparagraph (3)(K)1.A. of this rule, the compliance certificate shall include the dates and locations of the two (2) valid test results. The RSD test results shall be compared to the clean screening test standards.

2. If the subject vehicle is eligible for clean screening via the Hybrid method described in subparagraph (3)(K)1.B. of this rule, the compliance certificate shall include the date and location of the one (1) valid RSD test result. The RSD test result shall be compared to the clean screening test standards.

3. The windshield sticker shall—

A. Be affixed by the vehicle owners that pay for a clean screening inspection to the inside of the vehicle's front windshield in the lower left hand corner. A clean screening indicator shall be clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed. Destroyed, damaged, or lost windshield stickers can only be replaced after a satisfactory explanation of the details of the incident has been furnished to the department. Windshield stickers are valid for two (2) calendar years; and

B. Contain the statement: "This inspection is mandated by your United States Congress."

(D) Federal, state, and local government agencies shall provide documentation of compliance with this rule to the department. On a quarterly, or every three (3) months, basis, the agencies shall present a list of all vehicles owned by the agency or operated by agency personnel that are subject to this rule. These quarterly lists shall be submitted to the department by January 15, April 15, July 15, and October 15 for the corresponding preceding quarter. If the fifteenth is a weekend day or state holiday, the quarterly lists shall be submitted to the department by the following business day.

(5) Test *[Procedures]* Methods.

(A) Evaporative System Pressure Test. Until such time as the department approves an Evaporative System Pressure Test that is more comprehensive, non-intrusive, and is approved by the EPA, the evaporative system pressure test procedure shall be as follows:

1. A gas cap test, done to the extent practical, shall be performed on all 1981 and newer model year subject vehicles;

2. The gas cap test sequence shall consist of the following steps:

A. The gas cap shall be connected to the adapter of the test equipment;

B. The gas cap shall be pressurized with air to 30 ± 0.5 inches of water; and

C. The gas cap leak rate shall be compared to an orifice with a flow rate of sixty (60) cubic centimeters per minute at thirty inches (30") of water;

3. Vehicles shall pass the gas cap test if the gas cap leak rate is less than or equal to a flow rate of sixty (60) cubic centimeters per minute.

[(A)] (B) Single-Speed Idle Test.

1. Except as provided by subsection (5)(F) of this rule, single-speed *///* idle tests shall be performed on pre-1981 model year subject vehicles and specially constructed vehicles described in paragraph (3)(G)6. of this rule in accordance with the procedures contained in *[July 1998, Title]* 40 CFR part 51, subpart S, Appendix B, paragraph (I), which is *[adopted]* incorporated by reference, *except that the appropriate measured emission values shall be as specified in subsection (4)(A)].*

2. If the measured emission values are equal to or below the appropriate standards specified in paragraphs (3)(G)1. and (3)(G)6. of this rule, respectively, then the subject vehicle shall pass the single-speed idle test.

[(B) Two (2)-Speed Idle Test. Two (2)-speed idle tests shall be performed on subject vehicles that cannot be tested by the transient test method in subsection (5)(C). The two (2)-speed idle test shall be performed in accordance with the procedures contained in July 1998, Title 40 CFR part 51, subpart S, Appendix B, which is adopted by reference.]

(C) Transient Emission Test.

1. Except as provided by paragraphs (5)(C)4., (5)(C)7. and (5)(C)8. and subsection (5)(F) of this rule, *[T]*transient emission tests shall be performed on 1981 and newer model year subject vehicles in accordance with the procedures contained in *[July 1998, Title 40 CFR part 85, subchapter W]* April 2000 IM240 & Evap Technical Guidance, 40 CFR part 85, subpart W, section 2221, which is *[adopted]* incorporated by reference. The driving cycle shall include acceleration, deceleration, and idle operating modes as specified in *[July 1998, Title 40 CFR part 51, subpart S, Appendix E, which is adopted by reference]* April 2000 IM240 & Evap Technical Guidance, 40 CFR part 85, subpart W, subsection 2221(e).

2. The two hundred forty (240)-second sequence may end earlier using fast pass algorithmse *[and multiple pass/fail*

algorithms may be used during the test cycle to eliminate false failures] specified in April 2000 IM240 & Evap Technical Guidance, 40 CFR part 85, subpart W, paragraph 2205(a)(4), which is incorporated by reference.

3. To decrease the possibility of falsely failing a vehicle due to inadequate pre-conditioning, [V]vehicles failing by two (2) times, or less, the applicable transient emission test standards [applicable to the vehicle] described in paragraphs (3)(G)3. and (3)(G)4. of this rule will be retested immediately as specified in April 2000 IM240 & Evap Technical Guidance, 40 CFR part 85, subpart W, paragraph 2221(d)(1). [and t]The results of the first transient emission test shall be disregarded. [The transient test procedure, including algorithms and other procedural details, must be approved by EPA prior to use in Missouri's inspection and maintenance program.]

4. If a vehicle cannot be tested on standard transient test equipment because of vehicle design, vehicle condition, or equipment limitations, the vehicle will be tested using a two (2)-speed idle test, as defined in subsection (5)(B)(D) of this rule.

5. The department shall determine the number and distribution of lanes necessary to test four (4)-wheel drive vehicles and vehicles with traction control using the transient emission test.

6. If the measured emission values are equal to or below the appropriate standards specified in paragraphs (3)(G)3. and (3)(G)4. of this rule, then the subject vehicle shall pass the transient emission test.

7. Between January 1, 2003, and December 31, 2004, all 1996 and newer model year subject vehicles shall be emission inspected according to the OBD test procedures described in paragraph (5)(E)3. of this rule.

8. Beginning January 1, 2005, all 1996 and newer model year subject vehicles shall be emission inspected according to the OBD test procedures described in paragraph (5)(E)4. of this rule.

[(D) Visual Emission Control Device Inspection. Visual emission control device inspections shall be performed on 1971 and newer model year subject vehicles. Vehicles that meet the emission standards, and successfully pass the evaporative system purge and pressure test, if applicable, shall be excluded from meeting the requirements of the visual emission control device inspection as part of an initial inspection only. The visual emission control device inspection procedure shall be as follows:

1. Vehicle emission control device inspections shall be performed through direct observation or through indirect observation using a mirror, video camera or other visual aid. Visual inspection shall include the positive crankcase ventilation valve on all 1971 model year vehicles, the exhaust gas recirculation valve on all 1972 and newer model year vehicles, and the catalyst and fuel inlet restrictor on all 1984 and newer model year vehicles;

2. Vehicles shall fail the visual inspections of emission control devices if such devices are part of the original certified configuration of the vehicle and are found to be missing, modified, disconnected, or improperly connected; and

3. Vehicles shall fail visual inspections of emission control devices if these devices are found to be incorrect for the certified vehicle configuration. Aftermarket parts, as well as original equipment manufacturer parts, may be considered correct if they are proper for the certified vehicle configuration. Where EPA aftermarket approval or a self-certification program exists for a particular class of subject parts, vehicles shall fail visual equipment inspection if the part is not from an original equipment manufacturer or from an approved or self-certified aftermarket manufacturer.]

(D) Two (2)-Speed Idle Test.

1. Except as provided by subsection (5)(F) of this rule, two (2)-speed idle tests shall be performed on subject vehicles that cannot be tested by the transient emission test method in paragraph (5)(C) of this rule because of vehicle design, vehicle condition, or equipment limitations. The two (2)-speed idle test shall be performed in accordance with the procedures contained in 40 CFR part 51, subpart S, Appendix B, paragraph (II), which is incorporated by reference.

2. If the measured emission values are equal to or below the standards specified in subsection (3)(G)5. of this rule, then the subject vehicle shall pass the two (2)-speed idle test.

[(E) Evaporative System Purge Test. The department will approve an Evaporative System Purge Test when a nonintrusive procedure becomes available and is approved by the EPA. All 1981 and newer model year subject vehicles will be tested and required to meet the standards when the procedure is approved.]

(E) On-Board Diagnostics (OBD) Test.

1. All 1996 and later model year subject vehicles shall have the OBD systems interrogated.

2. Prior to January 1, 2003, the OBD test described in 40 CFR part 85, subpart W, section 2222, which is incorporated by reference, and the OBD test standards specified in paragraph (3)(G)7. of this rule shall be performed on an advisory-only basis.

3. Between January 1, 2003, and December 31, 2004, the OBD test shall be performed according to the following procedure:

A. If the subject vehicle cannot be tested with the OBD test due to manufacturer design or the inability of the inspection equipment to communicate with the vehicle's OBD system, then the subject vehicle shall be tested with the transient emission test described in subsection (5)(C) of this rule;

B. If the subject vehicle passes the OBD test described in 40 CFR part 85, subpart W, section 2222 according to the OBD test standards specified in paragraph (3)(G)7. of this rule during either an initial emission inspection or a reinspection, then the vehicle shall not be subject to the transient emission test described in subsection (5)(C) of this rule, and the procedures in paragraph (3)(F)7. of this rule shall be followed;

C. If the subject vehicle fails the OBD test described in 40 CFR part 85, subpart W, section 2222 according to the OBD test standards specified in paragraph (3)(G)7. of this rule during either an initial emission inspection or a reinspection, then the vehicle shall be subject to the transient emission test described in subsection (5)(C) of this rule.

(I) If the subject vehicle passes the transient emission test, then the procedures in paragraph (3)(F)7. of this rule shall be followed.

(II) If the subject vehicle fails the transient emission test, then the procedures in paragraphs (3)(F)8., (3)(F)9. and (3)(H)4. of this rule shall be followed.

4. Beginning January 1, 2005, the OBD test shall be performed according to the following procedure:

A. If the subject vehicle cannot be tested with the OBD test due to manufacturer design, then the subject vehicle shall be tested with the transient emission test described in subsection (5)(C) of this rule.

B. If the subject vehicle passes the OBD test described in 40 CFR part 85, subpart W, section 2222 according to the OBD test standards specified in paragraph (3)(G)7. of this rule, then the procedures in paragraph (3)(F)7. of this rule shall be followed.

C. If the subject vehicle fails the OBD test described in 40 CFR part 85, subpart W, section 2222 according to the OBD test standards specified in paragraph (3)(G)7. of this rule, then the procedures in paragraphs (3)(F)8., (3)(F)9. and (3)(H)5. of this rule shall be followed.

[(F) Evaporative System Pressure Test. Until such time as the department approves an Evaporative System Pressure Test that is more comprehensive, nonintrusive, and is approved by the EPA, the evaporative system pressure test procedure shall be as follows:

1. A gas cap test, done to the extent practical, shall be performed on all 1981 and newer model year subject vehicles;

2. The gas cap test sequence shall consist of the following steps:

A. The gas cap will be connected to the adapter of the test equipment;

B. The gas cap shall be pressurized with air to 30 \pm 0.5 inches of water;

C. The gas cap leak rate shall be compared to an orifice with a flow rate of sixty (60) cubic centimeters per minute at thirty inches (30") of water;

3. Vehicles shall fail the gas cap test if the gas cap exceeds a flow rate of sixty (60) cubic centimeters per minute; and

4. A visual inspection of the evaporative emission system shall also be performed, where practical. Vehicles shall fail the visual inspection of the evaporative emission system if the canister is missing or obviously damaged, if the hoses are missing, damaged or obviously disconnected, or if the gas cap is missing.]

(F) Hybrid Electric Vehicle (HEV) Test. HEVs shall not be subject to the tailpipe emission tests described in subsections (5)(B)–(D) of this rule. HEVs shall only be subject to the test methods described in subsections (5)(A), (5)(E) and (5)(G)–(H) of this rule.

[(G) On-Board Diagnostic (OBD) Test Procedures.

1. All 1996 and later model year vehicles equipped with OBD systems shall have the OBD system information collected, recorded, and read. Reports shall be generated. The information shall be used to determine if any emission control system faults have been identified. Fault codes shall not be a condition for failure.

2. The department shall require vehicle failures tied to readings from the OBD system beginning no later than January 1, 2001. Vehicles shall fail the on-board diagnostic test if they fail to meet the requirements of 40 CFR 85.2207, at a minimum.]

(G) Visual Test. Emission control device visual tests shall be performed on 1971 and newer model year subject vehicles. Vehicles that meet the applicable tailpipe or OBD standards described in subsection (3)(G), and successfully pass the evaporative system pressure test, if applicable, shall be excluded from meeting the requirements of the emission control device visual test as part of an initial emission inspection only. The emission control device visual test procedure shall be as follows:

1. Vehicle emission control device visual tests shall be performed through direct observation or through indirect observation using a mirror, video camera or other visual aid. The emission inspector shall look for the presence of the positive crankcase ventilation valve on all 1971 model year vehicles, the exhaust gas recirculation valve on all 1972 and newer model year vehicles, and the catalytic converter system on all vehicles equipped by the manufacturer with such a system;

2. The emission inspector shall also look at the evaporative emission system, where practical. Vehicles shall fail the visual test of the evaporative emission system if the canister is missing or obviously damaged, if the hoses are missing, damaged or obviously disconnected, or if the gas cap is missing;

3. Vehicles shall fail the emission control device visual test if the devices described in this subsection are part of the orig-

inal certified configuration of the vehicle and are found to be missing, modified, disconnected, or improperly connected; and

4. Vehicles shall fail the emission control device visual test if the devices described in this subsection are found to be incorrect for the certified vehicle configuration. Aftermarket parts, as well as original equipment manufacturer parts, may be considered correct if they are proper for the certified vehicle configuration. Where EPA aftermarket approval or a self-certification program exists for a particular class of subject parts, vehicles shall fail visual equipment inspections if the part is not from an original equipment manufacturer or from an EPA approved or self-certified aftermarket manufacturer.

(H) Clean Screening Test.

1. Owners of clean screening-eligible vehicles shall be notified by mail one (1) month prior to the vehicle's registration month.

2. If the subject vehicle is eligible for clean screening according to paragraph (3)(K)1. and subsection (3)(L) of this rule, the owner shall be mailed a clean screening notification document.

A. The notification shall be mailed to the subject vehicle owner's most current address on record.

B. If the subject vehicle owner responds to the clean screening notification and pays the inspection fee established in paragraph (3)(D)4. of this rule, then a compliance certificate and windshield sticker that meet the requirements of subsection (4)(C) of this rule shall be mailed to the subject vehicle owner.

C. If the subject vehicle owner chooses not to respond to the clean screening notification, then the subject vehicle can comply with the emission inspection requirement according to subsection (3)(F) of this rule.

[(6) Emission Test Equipment.

(A) Performance Features of Emission Test Equipment. Computerized test systems are required for performing any measurement on subject vehicles. The test equipment shall be certified to meet EPA requirements, including those contained in July 1998, Title 40 CFR part 51, subpart S, Appendix D, which is adopted by reference. Newly acquired systems shall be subjected to acceptance test procedures to ensure compliance with program specifications.

1. Emission test equipment shall be capable of testing all subject vehicles and will be updated as needed to accommodate new technology vehicles as well as changes to the program.

2. At a minimum, emission test equipment shall be—

A. Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

B. Secure from tampering and/or abuse;

C. Based upon written specifications; and

D. Capable of simultaneously sampling dual exhaust vehicles.

(B) Functional Characteristics of Computerized Test Systems. The test system is composed of emission measurement devices and other motor vehicle test equipment controlled by a computer.

1. The test system shall automatically—

A. Make pass/fail decisions for all measurements;

B. Record test data to an electronic medium;

C. Conduct regular self-testing of recording accuracy;

D. Perform electrical calibration and system integrity checks before each test, as applicable; and

E. Initiate system lockouts for—

(I) *Tampering with security aspects of the test system;*

(II) *Failing to conduct or pass periodic calibration or leak checks;*

(III) *Failing to conduct or pass the constant volume sampler flow rate check;*

(IV) *Failing to conduct or pass any of the dynamometer checks, including coast-down, roll speed and roll distance, power absorption capability, and inertia weight selection checks;*

(V) *Failing to conduct or pass the pressure monitoring device check;*

(VI) *Failing to conduct or pass the purge flow metering system check; and*

(VII) *A full data recording medium or one that does not pass a cyclical redundancy check.*

2. *Test systems shall include a data link to the department computer as specified in the contract between the department and the contractor(s).*

3. *The test system will ensure accurate data collection by limiting, cross-checking, and/or confirming manual data entry.*

(C) *Test Systems for Transient Emission Tests. Test equipment for transient emission testing shall meet standards specified by EPA, as specified in July 1998, Title 40 CFR part 51, subpart S, Appendix D, paragraph (III).*

(D) *Steady-State Test Equipment. Steady-state test equipment requirements for model years 1971–1980 shall be as specified in July 1998, Title 40 CFR part 51, subpart S, Appendix D, which is adopted by reference.*

(7) *Documentation.*

(A) *The contractor shall provide the owners or drivers of vehicles that pass the emission inspection, or are issued a waiver, an emission inspection certificate of compliance and emission inspection sticker. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.*

1. *The certificate of compliance shall contain—*

A. *A vehicle description, including license plate number, vehicle title number, vehicle identification number, vehicle make, vehicle model, vehicle model year, and odometer reading;*

B. *The date and time of inspection;*

C. *The applicable test standards;*

D. *The applicable test results, including exhaust quantities, a pass indicator for the evaporative system pressure test(s), a pass indicator for visual inspection of the evaporative system and a pass indicator for the visual emission control device inspection;*

E. *The results of the recall provisions check, if applicable, including the recall campaign number and the date the recall repairs were completed;*

F. *A certification that tests were performed in accordance with the regulations;*

G. *A waiver indicator, if applicable; and*

H. *The statement: “This inspection is mandated by your United States Congress.”*

2. *The emission inspection sticker shall—*

A. *Be affixed by the emission inspector to each vehicle which is subject to and passes the emission inspection, or has been issued a waiver on the inside of the vehicle’s front windshield in the lower left hand corner. An emission inspection sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous emission inspection stickers affixed to the windshield shall be removed. Destroyed,*

damaged, or lost stickers can only be replaced after a satisfactory explanation of the details of the incident has been furnished to the department. Stickers are valid for two (2) calendar years; and

B. *Contain the statement: “This inspection is mandated by your United States Congress.”*

(B) *The contractor shall provide the vehicle owner or driver who fails an inspection with a computer-generated emission inspection test report. Also provided will be a repair facility list, a repair data sheet, and a copy of the consumer complaint procedure. The contractor shall not refer vehicle owners to a particular repair station(s) that may or may not be included on the repair facility list. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.*

1. *The emission inspection test report shall include:*

A. *A vehicle description, including license plate number, vehicle title number, vehicle identification number, vehicle make, vehicle model, vehicle model year, and odometer reading;*

B. *The date and time of test;*

C. *The name or identification number of the individual(s) performing the test and the location of the test station and lane number;*

D. *The type of tests performed, including emission tests, visual checks for the presence of emission control components, and functional evaporative system tests;*

E. *The applicable test standards;*

F. *The test results, including exhaust quantities, pass/fail results for the evaporative system pressure test(s), pass/fail results for the visual inspection of the evaporative system and which emission control devices inspected were passed, failed, or not applicable;*

G. *To the extent possible, a description of the nature of the failure and the components responsible, recommended repair and adjustment procedures, and an estimated cost for those repairs;*

H. *A statement indicating the availability of warranty coverage as required in section 207 of the Clean Air Act;*

I. *The results of the recall provisions check, if applicable, including the recall campaign number and date the recall repairs were completed; and*

J. *A statement that the emission inspection test report is not valid for vehicle registration purposes.*

2. *The repair facilities list will list facilities employing at least one (1) recognized repair technician in the area which perform emission related repairs on vehicles and information on the results of emission repairs performed by these facilities. This information will include:*

A. *Statistics on the number of vehicles submitted for a reinspection after repairs by the repair facility;*

B. *The percentage of vehicles repaired by the repair facility that required more than one (1) reinspection before passing; and*

C. *The percentage of vehicles repaired by the repair facility that were granted waivers.*

3. *A repair data sheet must be completed prior to a reinspection. The repair data sheet shall include:*

A. *Repairs performed;*

B. *Cost of repairs;*

C. *Name of the repair technician; and*

D. *Name, address, and telephone number of the repair facility and the facility’s state tax identification number.*

4. *The consumer complaint procedure will include the telephone number of the department’s quality assurance*

facility. Any challenge regarding the performance or results of the test must be made in writing within ten (10) business days of the failure of the emission inspection.

(C) *Transitional Period.* The transitional period shall begin January 1, 2000, and end when the centralized test-only emission inspection stations begin emissions inspections.

1. Owners of subject vehicles shall receive either a clean screen notice as provided in subsection (3)(l) of this rule or an emission extension certificate and emission extension sticker, which will allow subject vehicle owners to register their vehicle in a timely manner. An emission extension certificate is the document that allows subject vehicle owners to register their vehicles with a deferred emissions inspection. An emission extension sticker is the sticker that temporarily replaces the emission sticker for up to six (6) months.

2. The owner of a vehicle that has not received a clean screen notice and who cannot obtain an emission inspection during the transitional period may submit an emission extension certificate, in lieu of an emission inspection certificate, to the Missouri Department of Revenue in order to register the vehicle only during the transitional period. Owners of such vehicles who do not receive an emission extension certificate by mail may obtain one from the Department of Revenue at the time the vehicle is registered during the transitional period.

3. The emission extension certificate shall contain the certificate's expiration date.

4. The emission extension sticker shall be affixed on the inside of the vehicle's front windshield in the lower left hand corner. Previous emission inspection stickers affixed to the windshield shall be removed. Stickers are valid for six (6) calendar months.

5. The owner shall have their subject vehicle emission inspected prior to the emission extension sticker expiring.

6. The emission inspection sticker that replaces the emission extension sticker shall be valid until the subject vehicle's next required emission inspection.

7. No emission inspection fee is required for the emission extension certificate and emission extension sticker.

8. The automobile dealer may sell the vehicle with prior inspection and approval. The automobile dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355, RSMo or by obtaining a waiver pursuant to section 643.335, RSMo. A vehicle sold pursuant to this subsection by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty (120) days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

9. The automobile dealer may sell the vehicle without prior inspection and approval. The automobile dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle that fails an emission inspection within ten (10) days, provided that the vehicle has no more than one thousand (1,000) additional miles since the time of sale. The automobile dealer shall inform the purchaser about emission inspecting the vehicle.

10. The automobile dealer shall either repair the returned vehicle and provide an emissions certificate and sticker within five (5) working days or enter into any mutually acceptable agreement with the purchaser.

11. The emission inspection for automobile dealers and used vehicle purchasers shall be the idle test. The emission standards for all subject vehicles:

Model Year	CO (%)	HC (PPM)
1971-1974	7.0	700
1975-1979	6.0	600
1980	3.0	300
1981 and later	1.2	220

(8) *Quality Control.*

(A) *Quality Control Requirements for the Contractor(s).*

1. *Contractor conduct.* The department shall appoint only entities under contractual agreement with the department to operate official emission inspection stations, which includes conducting emission inspections and issuing certificates of compliance. Conducting the business of the official emission inspection station shall be performed in such a way that it satisfies the intent of the vehicle emission inspection program by effectively identifying vehicles that fail to meet acceptable emission standards. Failure to comply with the provisions of this subsection shall be considered sufficient cause for suspension of emission inspection privileges and authority to issue certificates of compliance. Misconduct of the contractor as established in this rule and in the contract shall be a violation of this rule and may result in dismissal as an emission inspection station operator. The contractor shall pay a monetary penalty to the department for a violation of this rule or of the contract by contractor personnel. Violations shall include, but are not limited to, actions which result in improper or fraudulent issuance of a certificate of compliance or a compliance waiver. The penalty shall be determined by a penalty schedule established in the contract.

2. *Emission inspectors.* All contractor personnel who perform emission inspections at each emission inspection station will be designated by the contractor as an emission inspector. The contractor shall be responsible for the conduct of emission inspectors. The contractor shall maintain for the department a registry of designated emission inspectors, that at a minimum includes the inspector's name, Social Security number, beginning date of inspection duties, ending date of inspection duties and description of inspection performance. Designation as an emission inspector may be suspended by a department quality assurance officer immediately at any time due to a violation of this rule or a provision of the contract. The contractor shall provide to the department an education and training plan, to be approved by the department, for designated emission inspectors.

3. *Inspection records.* All inspection records, calibration records, and control charts shall be accurately created, recorded, and maintained. The contractor, and all employees of the contractor, shall make available all records and information requested by the department and shall fully cooperate with department personnel, and other authorized state representatives or agents, who conduct audits and other quality assurance procedures. All contractors subject to this rule shall maintain emissions test records, including repair information from any emissions test as well as all test results. These records shall be kept for at least three (3) years after date of an initial emissions inspection. These records shall be made available immediately upon request for review by department personnel. These records shall also be made available to the department on a continual basis through the use of an automated communication system approved by the department.

(B) *General Requirements.* General requirements for quality control practices for all test equipment shall be as follows:

1. At a minimum, the practices described in this section, in the contract, and in July 1998, Title 40 CFR part

51, subpart S, Appendix A, which is adopted by reference, shall be followed;

2. Preventive maintenance on all inspection equipment shall be performed on a periodic basis, as provided by the contract between the department and the contractor(s) and consistent with EPA and the equipment manufacturer's requirements;

3. To assure quality control, computerized analyzers shall automatically record quality control check information, lockouts, attempted tampering and any circumstances which require a service representative to work on the equipment;

4. To assure test accuracy, equipment shall be maintained according to demonstrated good engineering procedures;

5. Computer control of quality assurance checks and quality control charts shall be used whenever possible; and

6. The emission inspection station shall transmit the emission inspection results to the department as prescribed in the contract between the department and the contractor(s).

(C) Requirements for Steady-State Emissions Testing Equipment. Calibration and maintenance procedures for steady-state emissions testing equipment shall be described in July 1998, Title 40 CFR part 51, subpart S, Appendix A, paragraph (I), which is adopted by reference.

(D) Requirements for Transient Emissions Testing Equipment. Calibration and maintenance procedures for transient emissions testing equipment shall be as described in July 1998, Title 40 CFR part 51, subpart S, Appendix A, paragraph (II), which is adopted by reference, or as described in any other procedure approved by EPA and the department.]

AUTHORITY: section 643.310.1, RSMo [Supp. 1999] 2000. Original rule filed June 14, 1982, effective Jan. 13, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 15, 2002.

PUBLIC COST: For the first fiscal year, FY 2003, the proposed amendment will cost two thousand three hundred seventy-seven dollars (\$2,377). For the first full fiscal year, FY 2004, the proposed amendment will cost four thousand seven hundred seventy-seven dollars (\$4,777). For the fiscal years 2005–2007, the total annualized aggregate cost is ten thousand three hundred forty-six dollars (\$10,346). Note attached fiscal note for assumptions that apply.

PRIVATE COST: For the first fiscal year, FY 2003, the proposed amendment will cost \$1,396,879. For the first full fiscal year, FY 2004, the proposed amendment will cost \$2,893,948. For the fiscal years 2005–2007, the total annualized aggregate cost is \$4,249,244. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., July 25, 2002. The public hearing will be held at the Drury Inn and Suites, Ballroom, 11980 Olive Street, Creve Coeur, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., August 1, 2002. Written comments shall be sent to Chief, Planning Section, Missouri

Department of Natural Resources' Air Pollution Control Program,
205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 10 - Department of Natural Resources

Division: 10 - Air Conversion Commission

Chapter: 5 - Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10-5.380 Motor Vehicle Emissions Inspection

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Federal, State, and Local Governmental Fleets	\$ 38,191

III. WORKSHEET

Fiscal Year	Number of Public Vehicle Owners Affected by Rule Amendment	Annual Aggregate Increase in Vehicle Repair Spending Due to Rule Amendment	Average Annual Increase per Vehicle Owner Affected by Rule Amendment
2003	44	\$ 2,377	\$ 54.22
2004	88	\$ 4,777	\$ 54.22
2005	97	\$ 7,874	\$ 80.84
2006	107	\$11,001	\$103.02
2007	118	\$12,162	\$103.02
Total	454	\$38,191	\$ 84.09

The rule becomes effective six months into state fiscal year 2003. The first fiscal year's total aggregate cost to public entities is \$2,377. The first full fiscal year is state fiscal year 2004. The first full fiscal year's total aggregate cost to public entities is \$4,777. The average annual aggregate cost to public entities for the next three state fiscal years is \$10,346.

IV. ASSUMPTIONS

1. All costs are in Year 2001 dollars, rounded to the nearest dollar. Because the I/M program's contract expires in 2007, the estimated annual public entity cost of this rule amendment is assumed to be at least \$13,334 for every fiscal year that the rule is in effect after 2007.
2. The total subject fleet is balanced, so that for a given two-year period, half of the vehicles tested will be even model year vehicles and half of the vehicles tested will be odd model year vehicles.
3. The number of federal, state, and local fleet vehicles in the St. Louis area in 2000 is 6,504 vehicles. The public fleet growth rate is 1% per year.
4. All vehicles currently subject to the inspection continue to remain on the road and in the I/M area.
5. Due to increased Department of Natural Resources efforts to track public fleet vehicle compliance, the Transient-tested vehicle compliance rate is 95% in 2002. The OBD-tested vehicle compliance rate is 99% in 2003 and beyond.
6. No public fleet vehicles are clean screened.

7. All public fleet vehicles are 1996 and later model year vehicles. In 2002, all public fleet vehicles are subject to the Transient test. In 2002, the Transient test failure rate doubles from the 2000-2001 failure rate due to final cutpoints.
8. In 2003, all public fleet vehicles are subject to the OBD test. The OBD connection rate is 100% in 2003 and beyond. The initial OBD failure rate during the OBD phase-in period (2003-2004) is estimated to be the same as the initial failure rate of the state of Wisconsin's 2001 initial OBD failure rate, 2.7%. Because of the increased age and mileage of OBD-tested vehicles, in 2005 and 2006, the initial OBD failure rate increases to 3.2% and in 2007 and beyond to 3.8%.
9. The average repair costs spent at Missouri Recognized Repair Facilities during the first two years of the Gateway Clean Air Program (2000-2001), which has been calculated based upon repair data information collected by the contractor from all failing vehicles that return for a retest, represent the average repair costs spent by all owners of failing vehicles during the first two years of the Gateway Clean Air Program, regardless of where or how the vehicle was serviced.
10. In 2002, average repair costs for Transient-tested vehicles increases 20% due to final cutpoints. During the OBD phase-in period (2003-2004), average repair costs for all vehicles increase 20% from the average repair costs in 2002. After the OBD phase-in period, average repair costs for all vehicles that fail the OBD test increase an additional 15% from the 2003-2004 average repair costs.
11. After the rule amendment becomes effective, the percent of failing vehicles that qualify for a waiver is reduced by 80% from the 2002 transient test waiver rate.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**Title: 10 - Department of Natural ResourcesDivision: 10 - Air Conversion CommissionChapter: 5 - Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan AreaType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 10-5.380 Motor Vehicle Emissions Inspection**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
246,827	Private vehicle owners	\$ 17,038,558

III. WORKSHEET

Fiscal Year	Number of Private Vehicle Owners Affected by Rule Amendment	Annual Aggregate Increase in Vehicle Repair Spending Due to Rule Amendment	Average Annual Increase per Vehicle Owner Affected by Rule Amendment
2003	22,822	\$ 1,396,879	\$ 61.21
2004	47,350	\$ 2,893,948	\$ 61.12
2005	52,010	\$ 3,455,782	\$ 66.45
2006	57,842	\$ 4,198,684	\$ 72.59
2007	66,804	\$ 5,093,265	\$ 76.24
Total	246,827	\$ 17,038,558	\$ 69.03

The rule becomes effective six months into state fiscal year 2003. The first fiscal year's total aggregate cost to private entities is \$1,396,879. The first full fiscal year is state fiscal year 2004. The first full fiscal year's total aggregate cost to private entities is \$2,893,948. The average annual aggregate cost to private entities for the next three state fiscal years is \$4,249,244.

IV. ASSUMPTIONS

1. All costs are in Year 2001 dollars, rounded to the nearest dollar. Because the I/M program's contract expires in 2007, the estimated annual private entity cost of this rule amendment is assumed to be at least \$6,264,149 for every fiscal year that the rule is in effect after 2007.
2. The total subject fleet is balanced, so that for a given two-year period, half of the vehicles tested will be even model year vehicles and half of the vehicles tested will be odd model year vehicles.
3. The number of model year 2000 vehicles subject to the vehicle emission inspection requirement and registered in the St. Louis area, based on Department of Revenue registration data, is 109,146 vehicles. The new car sales growth rate is 3% per year.
4. All vehicles currently subject to the inspection continue to remain on the road and in the I/M area. Due to final cutpoints, the percent of Transient-tested vehicles that comply with the inspection requirement decreases by 1% in 2002 from the 2001 compliance rate. Due to new waiver requirements, the percent of Single-speed Idle-,

Transient-, and Two-speed Idle-tested subject vehicles that comply with the inspection requirement decreases by 1%, respectively, in 2003 from the 2002 compliance rate. The OBD-tested vehicle compliance rate is 99% in 2003 and beyond.

5. For 1996 and newer model year vehicles, 90% of these vehicles will continue to be clean screened in each successive year. For 1991-1995 model year vehicles, 75% of these vehicles will continue to be clean screened in each successive year. For 1986-1990 model year vehicles, 50% of these vehicles will continue to be clean screened in each successive year. For 1981-1985 model year vehicles, 25% of these vehicles will continue to be clean screened in each successive year. For 1971-1980 model year vehicles, 0% of these vehicles will continue to be clean screened. All vehicles that are no longer clean screened will be subject to the relevant station-based inspection.
6. During the OBD phase-in period (2003-2004), the OBD connection rate is 95%. Therefore, 5% of the OBD-equipped vehicles will be tested with either a Transient test or a Two-speed Idle test if they can't be tested with the Transient test. After the OBD phase-in period, the OBD connection rate is 99%. Therefore, 1% of the OBD-equipped vehicles will be tested with either a Transient test or a Two-speed Idle test if they can't be tested with the Transient test.
7. The 2002 Transient initial test failure rate is 15.3%, which is based upon Wisconsin's 2001 Transient initial test failure rate. The Single-speed Idle, Transient, and Two-speed Idle test initial failure rates in 2003-2007 are the same as the 2002 initial failure rates.
8. The initial OBD failure rate during the OBD phase-in period (2003-2004) is estimated to be the same as the initial failure rate of the state of Wisconsin's 2001 initial OBD failure rate, 2.7%. Because of the increased age and mileage of OBD-tested vehicles, in 2005 and 2006, the initial OBD failure rate increases to 3.2% and in 2007 and beyond to 3.8%.
9. The average repair costs spent at Missouri Recognized Repair Facilities during the first two years of the Gateway Clean Air Program (2000-2001), which has been calculated based upon repair data information collected by the contractor from all failing vehicles that return for a retest, represent the average repair costs spent by all owners of failing vehicles during the first two years of the Gateway Clean Air Program, regardless of where or how the vehicle was serviced or which test the vehicle failed.
10. In 2002, average repair costs for Transient- and Two-speed Idle-tested vehicles increase 20% due to final cutpoints. During the OBD phase-in period (2003-2004), average repair costs for all vehicles increase 20% from the average repair costs in 2002. After the OBD phase-in period, average repair costs for all vehicles that fail the OBD test increase an additional 15% from the 2003-2004 average repair costs.
11. After the rule amendment becomes effective, the percent of failing vehicles that qualify for a waiver is reduced by 90% from the 2002 waiver rate for the Single-speed Idle and Two-speed Idle test types, respectively. After the rulemaking becomes effective, the percent of failing vehicles that qualify for a waiver is reduced by 80% from the 2002 waiver rate for the Transient test type.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases**

PROPOSED AMENDMENT

19 CSR 20-26.050 Preventing Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) from Health Care Workers to Patients. This proposed amendment is to delete section (4).

PURPOSE: This amendment is to remove the sunset clause on this rule in order to continue the established training requirements relating to the prevention of the transmission of the Human Immunodeficiency Virus, Hepatitis B Virus and other bloodborne pathogens from infected health care workers to patients.

[(4) This rule expires on June 30, 2002.]

AUTHORITY: section 191.694.4, RSMo [1994] 2000. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed May 10, 2002, effective July 1, 2002, expires Dec. 28, 2002. Amended: Filed May 10, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Pam Walker, Division Director, Division of Environmental Health and Communicable Disease Prevention, 930 Wildwood, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 26—Sexually Transmitted Diseases**

PROPOSED AMENDMENT

19 CSR 20-26.060 Voluntary Evaluation for the Human Immunodeficiency Virus (HIV)-and Hepatitis B Virus (HBV)-Infected Health Care Professionals Who Perform Invasive Procedures. This proposed amendment is to delete section (5).

PURPOSE: This amendment is to remove the sunset clause in this rule in order to continue the established procedures for the voluntary evaluation of the Human Immunodeficiency Virus and Hepatitis B Virus for infected health care professionals who perform invasive procedures in order to determine whether practice restrictions or limitations should be applied.

[(5) This rule expires on June 30, 2002.]

AUTHORITY: section 191.700.2, RSMo [1994] 2000. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed May 10, 2002, effective July 1, 2002, expires Dec. 28, 2002. Amended: Filed May 10, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Pam Walker, Division Director, Division of Environmental Health and Communicable Disease Prevention, 930 Wildwood, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 6—Workers' Compensation and Employer's
Liability**

PROPOSED AMENDMENT

20 CSR 500-6.700 [Premium Discounts for Using Managed Care Programs] Workers' Compensation Managed Care Organizations. The department is amending the title of the rule, deleting sections (1), (2), and (5) through (8), modifying and renumbering sections (3) and (4), deleting two exhibits, and adding seven new sections and one new exhibit.

PURPOSE: The proposed amendment updates this rule to implement section 287.135, RSMo.

[(1) Upon issuance or renewal of a Workers' Compensation insurance policy, there shall be a reduction in the total premium charged to an employer for the policy for the first three (3) years during which the employer contracts with a managed health care system which has met the certification requirements of this rule and which serves the geographic area in which the employer is located. The premium reduction shall be five percent (5%) of the total premium which would otherwise be charged to the employer for each of the three (3) initial policy years under the certified managed care system. An insurer may require the employer to notify it of the employer's intent to contract with certified managed care system and to execute any such contract, prior to the issue date or renewal date of the policy, before granting the reduction. This arrangement shall be evidenced by the following documents:

(A) An endorsement to the Workers' Compensation policy setting forth the use of the certified managed care system and the extension of the five percent (5%) reduction in premium. The endorsement may include provisions on the effect of the employer's use of providers outside the terms of the managed care agreement;

(B) A contract between the certified managed care system and the employer specifying the terms and conditions associated with the use of the managed care system, including the employer's agreement that the use of the organization is the free exercise of the employer's right to choose a health care provider under section 287.140, RSMo;

(C) A certification of a managed care utilization form to be given to the employer's insurer documenting the existence of the contract specified in subsection (1)(B), as set forth in Exhibit II of this rule; and

(D) A Workers' Compensation insurer and a certified managed care system may also enter into an agreement

specifying the terms and conditions associated with the use of the managed care system.

(2) For purposes of this rule, the term certified managed care system or system shall mean medical care cost containment arrangements such as preferred provider organizations (PPOs), health maintenance organizations (HMOs) and other direct employer/provider arrangements designed to provide incentives to medical care providers to manage the cost and utilization of care associated with claims covered by Workers' Compensation insurance, which have been approved by the department. The approval criteria for PPO arrangements are set forth in section (3) of this rule. The approval criteria for non-PPO arrangements shall be developed under section (8) of this rule.]

(1) Definitions.

(A) Access fee means the percentage of savings off usual and customary health care provider charges that is often charged by an managed care organization (MCO) as reimbursement for access to its network of providers.

(B) Bill re-pricing means a system for re-pricing charges for medical services to conform to levels contractually agreed to by health care providers, facilities and hospitals and through which discounted medical services are obtained.

(C) Case management means a collaborative process by which appropriately licensed and trained health care providers coordinate, monitor and evaluate the delivery of that level of health care treatment which is necessary to assist an injured employee in reaching prompt maximum medical improvement, following prescribed medical treatment plans, and, achieving, where possible, the prompt and appropriate return to work. Case management includes "on-site case management" and "telephonic case management."

(D) Certified MCO means a workers' compensation managed care organization certified by the department.

(E) Cost savings analysis means a documentation of savings achieved through reduction of medical fees, through the use of utilization review techniques, through early employee return to work, or all of the above.

(F) Department means the Missouri Department of Insurance.

(G) Hospital bill auditing means a service designed to review the accuracy and applicability of hospital charges as well as to evaluate the medical necessity of all services and treatment rendered, which shall be considered distinct from utilization review.

(H) Insurer means any person or entity defined under section 375.932 or 375.1002, RSMo, authorized to provide workers' compensation insurance in Missouri. The term shall include any employees, agents, third party administrators (TPAs) or others acting on behalf of such insurers.

(I) Managed care organization (MCO) means an organization, such as a preferred provider organization (PPO), a health maintenance organization (HMO) or other, direct employer/provider arrangements, designed to provide the appropriate procedures and incentives to medical providers necessary to manage the cost and utilization of care associated with claims covered by workers' compensation insurance. Unless the context clearly requires otherwise, when the term MCO is used in this rule it will mean an MCO certified under the provisions of this rule.

(J) MCO administrative fee or administrative fee means any fee or charge for the reimbursement of the administrative services of an MCO, as opposed to any fee or charge for the reimbursement of a health care provider for the rendition of health care services, treatment or supplies. Such fees reimburse the MCO for the cost of organizing a network of health care

providers, negotiating provider reimbursement rates, re-pricing bills, hospital bill auditing, provider bill auditing, tracking and coordinating care, pre-certification, utilization review, cost savings analysis and other MCO administrative functions. An MCO administrative fee may be in the form of an access fee, a percentage of savings off a provider's billed charges, a percentage of savings off average usual and customary fees as defined in an identified database, a dollar amount per hour, or some other method.

(K) On-site case management means case management performed in person by the case manager as the location requires.

(L) Payor means an insurer or TPA responsible for paying workers' compensation-related claim, including a bill for the fees of an MCO required to be reimbursed under this rule.

(M) Pre-certification means the process of reviewing planned nonemergency medical care to assure said care is reasonably required to cure and relieve the injured worker from the effects of the injury, as required under the Missouri Workers' Compensation Law.

(N) Provider bill auditing means a computer-assisted retrospective service which verifies the accuracy and applicability of provider charges, their conformity with usual and customary charges and their conformity with any discounts from usual and customary charges or other adjustments negotiated between the provider and the MCO. Provider bill auditing also verifies causal relationships between injury and treatment, the necessity of treatment and the accuracy of medical bills prior to recommending payment.

(O) Telephonic case management means case management conducted by telephone, e-mail, or facsimile machine.

(P) TPA means a third party administrator as defined under sections 376.1075 to 376.1095, RSMo.

(Q) Utilization review means a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, pre-certification, concurrent review, discharge planning or retrospective review. For purposes of this rule, utilization review shall not include case management.

(2) Employer's Right to Select an MCO or Health Care Provider.

(A) A Missouri employer shall have the right to select an MCO for the purpose of providing the employer with managed care services in relation to the health care required to be provided under the Missouri Workers Compensation Law. The employer shall have the right to select such an MCO regardless of whether that selection is approved by the employer's insurer or the selection differs from that made by the employer's insurer. Although the insurer may not require the employer to select a particular MCO, it may discuss that selection with the employer. While an employer may voluntarily agree to use an MCO under contract with the insurer if the employer so chooses, the employer may also select another MCO.

(B) An employer may select an MCO at any time during the period of the employer's insurance policy. An insurer will be deemed to have been notified of that selection whenever the insurer receives an administrative fee invoice from the MCO as defined in subsection (3)(E), attached to the bill of a health care provider for health care services provided to an injured employee of the insured employer.

(C) Nothing in this section shall limit an employer's right to select the health care provider as authorized under subsection 10 of section 287.140, RSMo. Although the insurer may not require the employer to use a particular health care provider, it may discuss that selection with the employer. While an employer may voluntarily agree to use the providers in an

MCO network under contract with the insurer if the employer so chooses, the employer may also select a provider outside a particular MCO network.

(3) Coordination and Integration of Insurer and MCO Systems.

(A) A managed care organization and an insurer shall coordinate and integrate their internal operational systems relating to claim reporting, claim handling, medical case management and billings as required under this section, unless alternative arrangements are agreed to by the MCO and the insurer.

(B) Regarding claim reporting, an employer shall report all claims to the employer's insurance company. The employer may also report any such claims to the employer's MCO.

(C) The fact that the employer has selected an MCO shall not require the employer's insurer to modify its internal claims handling procedures beyond the requirements that the insurer shall cooperate with and reimburse the providers in the MCO network selected by the employer, and shall also reimburse the MCO's for its reasonable administrative fees. The insurer shall use whatever procedures the insurer ordinarily uses for dealing with non-network providers to accomplish such cooperation and reimbursement.

(D) The employer's right to select a health care provider under subsection 10 of section 287.140, RSMo extends to the employer's right to select a case management nurse, so long as the nurse is operating within the scope of his or her license.

(E) An MCO shall use a standard administrative fee invoice when billing an insurer for reimbursement. An administrative fee invoice should contain the information listed below, but shall not be deemed insufficient due to the lack of any particular pieces of information so long as the document is sufficiently clear so that an insurer can determine that the document is from an MCO and that the MCO is requesting payment for MCO services, so long as the document also provides a reasonable method for the insurer to contact the MCO for further explanation:

1. The MCO name, address, telephone number, facsimile number, federal employer identification number (FEIN); e-mail address (if available) and department MCO certification number;
2. The employer's name;
3. The injured employee's name and Social Security number;
4. The medical provider's name and FEIN;
5. The date of the medical service;
6. The provider's usual and customary charge for the service, treatment or supplies;
7. The discounted charge negotiated by the MCO for those same services, treatment or supplies;
8. The savings resulting from the MCO's discounts;
9. The administrative fee of the MCO to be paid by the insurer relating to the service, treatment or supplies in question.

(4) Criteria for Determining the Reasonableness of MCO Fees.

(A) An employer's insurer shall reimburse the reasonable administrative fees of an MCO selected by a Missouri employer if the department has certified that MCO. However, no insurer shall be required to reimburse an administrative fee charged by a department-certified MCO unless the fee is reasonable in relation to both the managed care services provided and to the savings which result from those services.

(B) Where the type of MCO administrative fee is an access fee, there shall be a rebuttable presumption that the access fee is reasonable under subsection (A) above if it is less than or equal to twenty-five percent ($\leq 25\%$) of the difference between the health care provider's usual and customary charge for the

service, treatment or supplies in question and the amount the provider has agreed to accept under his contract with the MCO.

(C) Where the type of MCO fee is not an access fee, there shall be a rebuttable presumption that the fee is reasonable under subsection (4)(A) above if it is the standard fee charged by the MCO to other payors, when those other payors include insurers with which the MCO has formal reimbursement agreements.

(D) Where a particular MCO fee charged by the MCO exceeds an amount deemed reasonable under subsections (B) or (C) above, an insurer may satisfy its reimbursement obligations under this section by paying an amount which does in fact conform to the appropriate subsection.

(5) Preconditions for an Insurer's Reimbursement of an MCO's Fees.

(A) For an insurer to be required to reimburse an MCO administrative fee charged by an MCO under this rule, that fee must:

1. Relate to an injury or illness that is compensable under Chapter 287, RSMo;
2. Relate to a medically necessary procedure or a determination of medical necessity;
3. Relate to a medical claim that has previously been reported to the insurer by the employer;
4. Relate to an employer who has a contract with the insurer for workers' compensation insurance that covers the injury or illness;
5. Be from an MCO which, on the date of the bill charge, was certified by the department;
6. Be from an MCO with which the employer has a written contract to provide MCO services;
7. Be the MCO's standard reimbursement fee for the service in question;
8. Be by means of an administrative fee invoice as required under subsection (3)(E), submitted to the insurer in connection with the underlying health care provider bill; and
9. Be reasonable under section (4) above.

(B) If an MCO administrative fee meets the requirements of subsection (A) above, an insurer shall be required to pay the MCO fee stated on the MCO administrative fee invoice.

(C) MCOs seeking reimbursement from insurers should maintain a listing of their standard administrative fees for the periods for which reimbursements are sought. Such lists should disclose the terms of the MCO's standard discounting arrangement with its health care providers and also list any administrative fees of the MCO for specific administrative functions, which may include but which are not necessarily limited to the following activities:

1. Pre-certification;
2. Prospective utilization review;
3. Concurrent utilization review;
4. Telephonic case management;
5. On-site case management;
6. Retrospective utilization review;
7. Provider bill auditing;
8. Hospital bill auditing;
9. Bill repricing; and
10. Cost savings analysis.

(D) Individual insurers and MCOs are authorized to enter into alternative reimbursement arrangements under subsection 3 of section 287.135, RSMo. Any such alternative arrangements will take precedence over the provisions of this section for the MCO and the insurer that are parties to the agreement.

(6) Procedure for Reimbursement by Insurers of MCO Fees.

(A) An MCO seeking reimbursement from an employer's insurer for its MCO services shall submit an administrative fee invoice to the insurer documenting the MCO services provided and the reimbursement requested.

(B) The insurer shall pay an MCO fee which is reasonable under section (4) above and which meets the preconditions of section (5) above.

(C) To the degree there is a dispute between an MCO and an insurer under this section, said dispute may be submitted in writing to the department for its review. The dispute shall be handled in an advisory manner by the department, after providing the parties written notice of the dispute and notice of the opposing party's allegations.

(D) An MCO may accept partial payment of an amount tendered by an insurer without prejudice to the MCO's right to the full reimbursement authorized under this rule.

(E) Where a dispute between an insurer and an MCO regarding an access fee is based on a question regarding the amount of the health care provider's underlying usual and customary charge for the service, treatment or supplies in question, the MCO may establish the provider's usual and customary charge by means of an affidavit from the provider, or a duly authorized agent of the provider, attesting to the provider's usual and customary charge for the period and for the service, treatment or supplies in question, supported by contemporaneous bills to other payors from that period for the same service, treatment or supplies in question.

(F) An insurer may produce evidence to rebut the presumptions of section (4) above by showing that the MCO fee in question is unreasonable in relation to either the managed care services provided or to the savings which result from those services. An MCO may produce evidence in support of said presumptions. Such evidence from either party may include information regarding:

1. The extent to which the medical case involved or required oversight and coordination by the MCO;
2. The fees normally paid by the insurer to other MCOs;
3. The fees normally charged by the MCO to other insurers, and to TPAs, self-insurers and individual employers;
4. The fees normally paid by other insurers to MCOs;
5. The fees normally charged by other MCOs to insurers, TPAs, self-insurers and individual employers;
6. What the health care provider has agreed to accept from the insurer under any agreements other than the MCO agreement in question;
7. The dollar amount of the MCO fee being sought compared to the dollar amount of the underlying usual and customary charge for the service of the health care provider;
8. What an independent database indicates is a usual and customary charge for the health care service, treatment or supplies in question;
9. What a governmental database indicates is a usual and customary charge for the service, treatment or supplies;
10. The charges allowed for the treatment, service, treatment or supplies when the government is the payor;
11. What has been determined to be a reasonable provider fee by the Division of Workers' Compensation under section 287.140.3, RSMo and Regulation 8 CSR 50-2.030 for the medical procedure upon which the MCO fee dispute is based, where such a determination has been made;
12. What the department has determined to be a reasonable fee in prior disputes of a similar nature; or
13. Any other information considered relevant by the department.

(G) After both sides have been afforded the opportunity to present their evidence and comment on the evidence presented by the other party, the department shall review said evidence. After its review, the department shall provide the parties with

a written advisory opinion of its conclusions as to the reasonableness of the fees under section 287.135, RSMo. The department's advisory opinion on its conclusions as to the reasonableness of the MCO fee shall be subject to *de novo* review by a court of competent jurisdiction pursuant to section 536.150, RSMo.

[[3]] (7) [For purposes of this rule, the term *Workers' Compensation preferred provider organization (WC/PPO)* shall mean a health care plan designed to coordinate employee care and control and contain costs for medical and rehabilitative services associated with Missouri Workers' Compensation claims through the use of special provider networks, utilization review and case management procedures.] **Department Certification of MCOs.** In order to be certified, [a WC/PPO] an MCO shall meet the following requirements:

(A) The [WC/PPO] MCO shall contract with member health care providers who are authorized to provide health care services in this state by the appropriate licensing authorities;

(B) Regarding contract requirements for medical and rehabilitative services, the [WC/PPO] MCO shall—

1. Provide for convenient access to the following types of providers in one (1) or more Missouri counties or cities not within a county:

- A. Primary care physicians;
- B. Subspecialty physicians;
- C. Rehabilitation centers; and
- D. Hospitals;

2. Provide for convenient access to primary care clinics which are specialized in providing occupational medical services;

3. Employ a medical director who is board-certified in occupational medicine or who possesses considerable experience with Missouri's workers' compensation system; and

4. Possess the capability for progressive rehabilitation services, including, but not limited to:

- A. Functional, objective capacity evaluations;
- B. Psychological testing; and
- C. Work hardening;

(C) Regarding additional [WC/PPO] MCO contract requirements, the [WC/PPO] MCO shall—

1. Provide employers with job-site presentations or other presentations regarding how to make proper use of the managed care services of the organization;

2. Base charges on negotiated rates of reimbursement to providers for the services specified in paragraph [(3)] (7)(B)1. comparable to the best group medical plans in the geographic market area served, including provisions for basing inpatient services charges on diagnosis-related group (DRG) rates;

3. Include the prepricing of claims;

4. Provide monthly reports, on a claim-by-claim basis, specifying customary charges, charges allowed under the [WC/PPO] MCO contract and the resulting savings, if any; and

5. Provide for the external management and oversight from the initial date of injury by a nonhealth care provider of the health care provider's rendition of medical care in all cases; and

6. Provide for an internal dispute resolution procedure that meets the requirements of subsection 2 of section 287.135, RSMo;

(D) Be in addition, under the management and control of officers and directors who are competent to manage the [WC/PPO] MCO-managed health care operations, its finances, its compliance with agreements between itself and insurers or employers, or both, and its compliance with any applicable laws of Missouri.

[[4]] (8) Certification Procedure.

(A) For purposes of obtaining the department's certification of a [WC/PPO] MCO, the organization shall provide the department with the following materials:

1. Copies of any [PPO] MCO/employer and [PPO] MCO/insurer contracts to be used;
2. A general diagram of the [WC/PPO's] MCO's organizational structure;
3. A listing of the [WC/PPO's] MCO's officers and directors;
4. The [WC/PPO's] MCO's most recently audited financial report;
5. A thorough description of the [WC/PPO's] MCO's experience with the management of health care costs associated with Workers' Compensation claims and with other health care claims;
6. The geographic area, by county, the [WC/PPO] MCO plans to serve;
7. A copy of the licenses and any certificates of the [board-certified] medical director;
8. A complete list of all primary care physicians, subspecialist physicians, rehabilitation centers, hospitals and work hardening centers to be employed by the organization;
9. The estimated savings to employers and insurers from the use of the organization;
10. The outline of the operation of the [WC/PPO] MCO to be provided to employers explaining their rights and responsibilities; *[and]*

11. The MCO's dispute resolution procedures; and

12. Any other materials requested by the director.

(B) The materials specified in subsection [(4)](8)(A) shall be retained by the department. Any significant changes to the nature of the [WC/PPO's] MCO's operations as reflected in these materials shall be reported to the department, but these reports need not be made more than twice a year, as measured from the date of the granting of any certification.

(C) The department shall review these documents and grant certification, on the form contained in Exhibit I of this rule, included herein, to those [WC/PPOs] MCOs deemed to meet the criteria set forth in this rule. Any departmental decision to deny certification shall be accompanied by a written explanation by the department of the reasons for denial.

(D) The department may suspend or revoke the certification of a [WC/PPO] MCO at any time it establishes that the criteria set forth in this rule are no longer being met. Any such organization may request a hearing before the director on that suspension or revocation.

(E) MCOs previously certified need not be re-certified during the period of this rule.

[(5) Insurers writing Workers' Compensation insurance in Missouri may contract with a certified managed care system. This contract may cover all employers insured by the insurer in the state, any class or subclass of employers, any employers located in a particular geographic region, or on any other basis which does not result in unfair discrimination under section 375.936(11), RSMo. Any employers who participate in this arrangement shall execute the contract required in subsection (1)(B) of this rule. For purposes of encouraging its insured employers to use a managed care system with which it has contracted, an insurer may offer premium reductions in excess of those required in section (1) of this rule. Nothing shall preclude an insurer from discussing the relative merits of different managed care systems with its insureds.

(6) Where an insurer has not contracted with a certified managed care system in a given geographic region, but that a system does operate in that region, upon a request by an insured employer, the insurer shall provide the

insured the premium reduction specified in section (1) of this rule so long as the certified system is willing to provide health care services to the employer. The insurer, however, may apply the five percent (5%) premium reduction specified in section (1) only to that portion of the employer's operations occurring in the geographic regions served by the certified system.

(7) Nothing contained in this rule shall be interpreted as precluding an employer from taking advantage of other noncertified managed care options at his/her own expense, particularly where the employer's operations are located outside the geographic territory of a certified managed care system. The use of this system, however, shall not entitle the employer to a premium reduction by its insurer.

(8) The director shall establish an informal task force for fostering the widest possible use of managed care systems in Missouri in relation to Workers' Compensation insurance. The task force may consist of volunteers representing insurers, managed care providers, employers and other interested parties. The task force will assist the department in developing approval criteria for approving additional managed care systems in Missouri. The panel will assist the director in developing approval criteria for PPOs that do not meet the criteria of section (3) of this rule, and of other managed care systems such as HMOs and direct employer/provider contracts, and the appropriate level of premium discount to be associated with these systems. They also may assist in the development of performance standards to measure the effectiveness of all managed care systems associated with Workers' Compensation insurance. All meetings of the advisory panel will be subject to the state's open meetings law.

(9) An insurer need provide a premium discount to an insured employer only for a three (3)-year period, after which time any reduction in the employer's premium as a result of the use of managed care services shall be reflected in the employer's experience modification factor. An employer shall not be entitled to more than three (3) years of specified premium reductions by reason of changing insurers, changing managed care systems or changing the ownership of the employer. Change of ownership rules regarding employers approved by the department concerning Workers' Compensation shall apply to these cases.]

(9) Termination Date. This rule shall terminate December 31, 2002.

Exhibit I

Certificate of Authority

Managed Care System for Workers' Compensation

It is Hereby Certified That

(Enter name of Managed Care Organization)

meets the certification requirements of Section 287.135 of the Revised Statutes of Missouri and Regulation 20 CSR 500-6.700. (Enter name of MCO) has been assigned the following departmental identification number: MCO No. XX.

This certificate shall remain in full force and effect until suspended or revoked by the Director.

IN WITNESS WHEREOF, I have hereto set my hand and caused to be hereto affixed the Seal of said Department. Done in my office in the City of Jefferson, this (Enter date).

Director of Insurance

AUTHORITY: sections 287.135 [287.320, RSMo Supp. 1992] and 374.045, RSMo [1986] 2000. Emergency rule filed Aug. 31, 1992, effective Nov. 1, 1992, expired Feb. 28, 1993. Original rule filed April 14, 1992, effective Feb. 26, 1993. Amended: Filed May 3, 2002.

PUBLIC COST: This proposed amendment will cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate. See the attached fiscal note.

PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars (\$500) in the aggregate. See the attached fiscal note.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment on July 24, 2002, from 10:00 a.m. until 12:00 noon in Room 492 of the Truman State Office Building in Jefferson City, Missouri. Opportunities to be heard at the hearing will be afforded to any interested person. Interested persons, whether or not they testify at the hearing, may submit written comments to the department until 5:00 p.m. on July 26, 2002. Written comments shall be sent to the Department of Insurance, Property and Casualty Section, PO Box 690, Jefferson City, MO 65102-0690, to the attention of Mark Doerner.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: Department of Insurance

Division: Property and Casualty

Chapter: Workers' Compensation and Employer's Liability

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 20 CSR 500-6.700 Workers' Compensation Managed Care Organizations

II. SUMMARY OF FISCAL IMPACT

<u>Affected Agency or Political Subdivision</u>	<u>Estimated Cost of Compliance in the Aggregate</u>
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Department of Insurance	\$32,529
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(Because the Proposed Amendment has a termination date of December 31, 2002, this fiscal note does not provide an estimate for later years.)

III. WORKSHEET

Department of Insurance: <u>Item</u>	<u>Annual Expense</u>
Senior Counsels: 778 hours @ \$28/hour	\$21,784
Work Comp Specialists: 500 hours @ \$21.49/hour	<u>\$10,745</u>
Total	\$32,529

IV. ASSUMPTIONS

The above estimates are based on the following assumptions:

(1) The new duties required under the regulation can be performed by existing personnel in the Department of Insurance with existing equipment. The above worksheet calculations use the current hourly level of reimbursement for the positions in question, which includes salary and fringe benefits (at 31.6% of salary).

(2) The Proposed Amendment will likely result in an increased workload for the Department concerning situations where an MCO has requested reimbursement from an insurance company but the insurance company has not paid. In such situations, the MCO could file a dispute with the Department regarding the payment, the Department would then review the available evidence regarding the reimbursement request and issue an Advisory Opinion on whether the insurance company in fact owes the reimbursement under the provisions of the Proposed Amendment. The

Department knows of at least one MCO that alleges it is owed reimbursement by some one hundred entities, most of which are insurance companies. This fiscal note assumes that it will take a Work Comp Specialist a total of five hours to handle all the disputes between one MCO and one insurer, which will involve collecting all the relevant information from the MCO, communicating the dispute to the insurer, collecting information from the insurer on the dispute, making follow-up calls, faxes and/or e-mails to clarify said information, and making a recommendation as to whether the MCO's requested reimbursement is reasonable under the Proposed Amendment. It is assumed that a Work Comp Specialist can handle all the claims between one MCO and one insurance company in a five-hour period (which will likely be spaced over several days.) Five hours multiplied by one hundred entities multiplied by the Specialist's salary plus fringe benefits equals $(5 \times 100 \times \$21.49) = \$10,745.00$

(3) To the degree there are additional MCOs with disputes with insurers, such disputes will cost an additional \$107.45 per insurance company per MCO for a Work Comp Specialist to process.

(4) Under the Proposed Amendment, the Department will be required to provide the parties with a written Advisory Opinion as to whether or not the MCO is owed reimbursement by the insurer under the provisions of the Proposed Amendment. This fiscal note assumes that it will take a Senior Counsel two and one half hours to write each such opinion, costing $(100 \text{ disputes} \times 2.5 \text{ hours} \times \$28/\text{hour}) = \$7,000$.

(5) Given the controversy surrounding the MCO issue, the Department anticipates that litigation is possible over the regulation itself. The Department anticipates that the equivalent of two months of time of one or more Senior Counsels will be devoted to such litigation, costing $(2 \text{ months} \times 22 \text{ days} \times 8 \text{ hours} \times \$28/\text{hour}) = \$9,856$.

(6) Under the Proposed Amendment, the Department's Advisory Opinions will be subject to de novo review by the courts. The Department may become involved in such litigation. The Department anticipates the equivalent of one month of Senior Counsel time will be devoted to such litigation, costing $(1 \text{ month} \times 22 \text{ days} \times 8 \text{ hours} \times \$28/\text{hour}) = \$4,928$

(7) Under the Proposed Amendment, the extent to which MCOs are regulated by the Department remains largely the same as it has been since Rule 20 CSR 500-6.700 was originally enacted in 1992. As such, it will not cost the Department additional amounts to administer the remaining portions of the Proposed Amendment.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Department of Insurance

Division: Property and Casualty

Chapter: Workers' Compensation and Employer's Liability

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 20 CSR 500-6.700 Workers' Compensation Managed Care Organizations

II. SUMMARY OF FISCAL IMPACT

<u>Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:</u>	<u>Classification by the type of the business entities which would likely be affected:</u>	<u>Estimate in the aggregate as to cost of compliance with the rule by the affected entities:</u>
1	Department-Certified Workers' Compensation Managed Care Organization (MCO)	\$10,745
300	Missouri-Licensed Workers' Compensation Insurers	\$1,010,745
68,655	Missouri Employers Insured by Workers' Compensation Insurance Policies	\$7,317

(Because the Proposed Amendment has a termination date of December 31, 2002, this fiscal note does not provide an estimate for later years.)

III. WORKSHEET

MCO Costs

(1) Under the Proposed Amendment, MCOs that are not reimbursed as required under the Proposed Amendment are permitted to file a written dispute with the Department of Insurance. This will require the MCO to gather the relevant materials from its files to document the circumstances under which the reimbursement was sought and,

potentially, supplemental information supporting the "reasonableness" of the MCO fee (in situations where the insurance company attempts to rebut the Proposed Amendment's presumption that the MCO fee is reasonable). This fiscal note assumes that it will take an MCO as long to organize such materials as it will take the Department's Work Comp Specialists to process the written dispute, for a comparable cost. The Department knows of at least one MCO that alleges it is owed reimbursement by some one hundred entities, most of which are insurance companies. It is assumed that the MCO in question will be able to gather the information necessary on a single insurer in five hours (which will likely be spaced over several days.) Five hours multiplied by one hundred entities multiplied by the MCO employee's estimated reimbursement is (5 hours x 100 entities x \$21.49/hour) = \$10,745

(2) To the degree there are additional MCOs with disputes with insurers, such disputes will cost each MCO \$107.45 per insurance company to cover the written dispute documentation and handling costs.

Insurer Costs

(1) According to the National Council on Compensation Insurance (NCCI), approximately 300 workers' compensation insurers have written workers' compensation insurance in Missouri in recent years. While only 112 are currently active writers, this fiscal note assumes that MCOs may seek reimbursement for past MCO services from any of the 300 carriers.

(2) The principle cost to insurers will be the cost to an MCO for reimbursement for past services which the MCO claims is owed but which the insurer has not yet paid for whatever reason, including the lack of a regulation to implement Section 287.135, RSMo. The Department knows of one MCO that claims such past due fees amount to \$797,700 from the period between 1993 through the end of 1999. The Department estimates the additional amount that would have occurred since then would increase this figure to roughly \$1,000,000 in the aggregate, for all insurers. (This fiscal note presumes all these amounts are "reasonable" under the Proposed Amendment and are therefore subject to reimbursement; however, it is possible one or more insurers may successfully challenge the presumption of reasonableness as to some of these claims.)

(3) It is not clear whether and to what extent other certified MCOs have similar past due balances they would attempt to recoup under the Proposed Amendment. The Department's understanding from those MCOs with whom it has discussed the matter is that they stopped providing services to those employers whose insurers would not reimburse them (or they developed alternative payment plans whereby the employers and not their insurers reimbursed the MCOs). To the extent there were unpaid amounts, they were "written off" for tax and other purposes. As a result, the Department makes no estimate as to such MCOs. However, the Department does recognize such disputes are possible.

(4) Just like the MCOs and the Department, insurers will be required to expend resources to respond to written MCO disputes over un-paid MCO fees. This fiscal note assumes it will cost insurers the same amount it costs MCOs and the Department, or (5 hours x 100 entities x \$21.49/hour) = \$10,745

Employer Costs

For the last four months of the year 2002, the Proposed Amendment will be in place whereby an employer's insurer will be required to pay an MCO its reasonable administrative fee. During this period, it is possible that some employers will be encouraged by MCOs to use their services. The Department assumes that most employers will opt for the simplest alternative and elect either to use no MCO or to use the insurance company's "contract" MCO. However, the Department assumes that one in ten insured employers (10% x 68,655) or 686 will pick a new MCO. The Department estimates this will require an average of 2 hours of time by the employer, (using an employee with an average salary of \$32,000 a year), to decide on an MCO alternative. Assuming a 2000 hour work-year, two hours of such a person's time would be worth (\$16 per hour x 2 hours) \$32, for a total of (\$32 x 686) \$21,952 per year.

However, because the rule will only be in effect for one-third of a year, the aggregate cost will be $(\$21,952 / 3) = \7317 .

IV. ASSUMPTIONS

MCO Costs

Rule 20 CSR 500-6.700 was originally promulgated in 1992 to implement a provision of Section 287.320 RSMo (since repealed) that authorized a premium credit to employers who selected a state-certified workers' compensation MCO. While the regulation required that insurers provide such a premium credit, it did not require the reimbursement of MCOs for their services. In 1993, the General Assembly repealed Section 287.320, RSMo and adopted what is currently Section 287.135, RSMo, which directed the Department of Insurance to promulgate a regulation on the payment of MCO fees. Because no regulation on MCO fees has been in place since 1992, MCOs have had to adapt, being paid only by those insurers who voluntarily agreed to such reimbursements or by insured and self-insured employers. The Department is aware of only one MCO that continued during this period to submit invoices to insurers for reimbursement even though the MCO had no reimbursement agreement with such insurers.

Employer Costs

Part of the above "employer" cost will be borne by small businesses (i.e., independently owned and operated entities with fifty or fewer full-time employees), although the Department presumes that most small businesses will opt to use an MCO selected by (and reimbursed by) their insurer. The Department assumes that, to the extent MCOs market their services to employers during the effective period of the Proposed Amendment, they will market to larger employers.

This fiscal note also does not estimate an impact on insured employers as to the savings they might realize by using MCOs. While the use of MCOs should help, in the aggregate, to reduce the medical losses and possibly the indemnity losses, the cost to employers of their workers' compensation insurance is determined by their insurers as part of the insurers' rate setting function, and it is up to insurers to decide whether and to what extent any savings realized will be passed on to employers.

Health Care Providers Costs

This fiscal note does not estimate an impact on health care providers of the proposed regulation, for two reasons: 1) Certified MCOs have been in operation under the prior version of the proposed regulation since November 1, 1992. There are currently 23 active certified MCOs in Missouri. The fiscal note assumes that any health care providers who desired to join an MCO would already have done so and are therefore currently providing services at the discounted rates which would merely be continued under the Proposed Amendment; and, 2) Nothing in the regulation limits health care provider reimbursements to amounts less than that allowed by Section 287.140.3, RSMo, without the provider's consent. Providers are free to charge their usual and customary fee unless they have voluntarily agreed to discount those fees under a contract with an MCO.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 10—Market Development
Chapter 5—Price Reporting**

ORDER OF RULEMAKING

By the authority vested in the Director of Agriculture under sections 277.200–277.215, RSMo 2000 and Supp. 2001, the director adopts a rule as follows:

2 CSR 10-5.015 Public Complaint Handling And Disposition Procedure for Missouri Livestock Marketing Law **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2002 (27 MoReg 451–454). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period for this proposed rule ended April 14, 2002, and a public hearing on this proposed rule was held on April 15, 2002. No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-5.010 Inspection Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2002 (27 MoReg 396–398). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. No written comments were received during the comment period.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission rescinds a rule as follows:

3 CSR 10-7.435 Deer: Seasons, Methods, Limits **is rescinded**.

This rule related to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rescission.

PURPOSE: *This rule is being rescinded and readopted in a new format.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed rescission under section 536.021, RSMo. This rescission filed May 9, 2002, **effective June 1, 2002**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-7.435 is adopted.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

3 CSR 10-7.435 Deer: Seasons, Methods, Limits

PURPOSE: *Dates and limits for hunting deer in various parts of the state are established annually, based on the results of biological surveys. The goal is to provide recreational opportunities consistent with the maintenance or establishment of optimum numbers of deer. This rule establishes the open seasons and limits for deer hunting.*

(1) General Provisions.

(A) For the purposes of this rule, deer shall mean white-tailed deer and mule deer and antlered deer shall mean a deer with at least one (1) antler not less than three inches (3") long. Deer may be pursued, taken, killed, possessed or transported only as permitted in this rule. Antlerless deer may only be taken in accordance with deer management unit regulations established for each unit. Deer management unit boundaries are defined in section (6) of this rule.

(B) Deer may be pursued or taken only from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(C) Deer shall not be taken while in any stream or other body of water, or from any boat with a motor attached. Deer may not be hunted, pursued or taken with the aid of dogs, bait, any motor driven land conveyance or aircraft at any time. While hunting or pursuing deer, dogs may not be used or possessed.

1. Bait shall mean grain or other feed placed or scattered so as to constitute an attraction or enticement to deer. Scents and minerals, including salt, are not regarded as bait. An area shall be considered baited for ten (10) days following complete removal of the bait.

(D) Any person who kills or injures any deer shall make a reasonable effort to retrieve the deer and include it in his/her season limit; however, this does not authorize trespass.

(E) During all portions of the firearms deer hunting season, all persons while hunting or while accompanying a person hunting deer on a Youth Deer and Turkey Hunting Permit shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as daylight fluorescent orange, blaze orange or hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall not apply to migratory game bird hunters, to archery deer hunters during the muzzleloader portion, to archery hunters during the antlerless-only portion in units 28-32 and 38-57, or to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited or on federal or state public hunting areas where deer hunting is restricted to archery methods.

(F) Any person killing a deer shall properly tag it immediately with the transportation tag portion of the taker's permit which shall remain attached to the carcass until it has been inspected and sealed at an established checking station except that selected persons shall check deer through the pilot Telecheck system. Persons reporting by the Telecheck system shall immediately record the Telecheck confirmation number on the transportation tag. Detaching the transportation tag from the permit prior to taking a deer renders the permit void. Resident landowners or lessees, as defined in this Code, who hunt deer as permitted in this rule without a permit issued by the department, shall tag any deer taken immediately with the full name and address of the taker and submit it for inspection as required in this rule. All deer taken shall be transported and possessed with head attached and only by the taker until such deer have been checked in accordance with established procedures.

(G) Deer taken during the youth-only, November, and antlerless-only portions of the firearms deer hunting season shall be submitted with the transportation tag attached and with the prescribed deer hunting permit for inspection and marking in the county where taken or an adjoining open county between the hours of 8:00 a.m. and 8:00 p.m. Central Standard Time (CST) on the day taken. Deer taken during the muzzleloader portion of the firearms deer hunting season and the archery deer hunting season shall be submitted with the transportation tag attached and with the prescribed deer hunting permit for inspection and marking within twenty-four (24) hours of take at any established checking station. Persons reporting deer through the Telecheck system must do so within the open checking hours specified for the appropriate season portion.

(H) Notwithstanding any contrary provisions of other rules, deer checked in accordance with established procedures and marked with a locking seal or an issued Telecheck confirmation number may be transported, possessed and stored, and parts of properly checked deer when labeled with the full name, address and permit number of the taker, may be transported and possessed by any person. Locking seals placed on deer at established checking stations or transportation tags with Telecheck confirmation numbers shall remain attached to the deer carcass until the processor begins the act of processing the meat for packaging. Donations of commercially processed deer meat may be made to not-for-profit charitable organizations for distribution to underprivileged persons under administrative guidelines established by the director.

(I) Deer, except with written authorization of the director or as provided in 3 CSR 10-4.130 and 3 CSR 10-9.565, may not be hunted, pursued, or taken within any area enclosed by a fence greater than seven feet (7') in height that would contain or restrict the free range of deer.

(2) Archery Deer Hunting Season. The archery deer hunting season dates are October 1, 2002 through January 15, 2003 excluding the November portion of the firearms deer hunting season.

(A) Deer may be taken as provided in section (1) by the holder of an archer's hunting permit exclusively by longbow. Archers may take two (2) deer of either sex statewide, provided that only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season. In addition, an archer holding an archer's hunting permit may obtain up to five (5) antlerless-only archery deer hunting permits valid only in units 1-17, 20, 22-24, 30, 58, and 59 and may take one (1) antlerless deer on each permit. An archer, while in the act of pursuing or hunting deer during the archery season, shall not have a firearm on his/her person.

(B) A resident landowner or lessee, as defined in this Code, shall not be required to purchase archer's hunting permits or antlerless-only archery deer hunting permits to hunt deer as prescribed in subsection (2)(A), on any land s/he owns or, in the case of the lessee, upon which s/he resides, but s/he shall adhere to seasons, methods, units and limits prescribed. Nonresident landowners who qualify under this rule are eligible to purchase nonresident landowner archer's hunting permits for use on qualifying land.

(3) Firearms Deer Hunting Season.

(A) The firearms deer hunting season is comprised of four (4) portions:

1. During the youth-only portion (November 2 through November 3, 2002), a Missouri resident who is under sixteen (16) years of age and holding a valid firearms deer hunting permit may take one (1) deer of either sex in any unit as provided in this rule. Deer taken during this portion of the firearms deer hunting season must be included in the total firearms deer hunting season limits.

2. During the November portion (November 16 through November 26, 2002), a person holding a firearms deer hunting permit may take deer as provided in this rule.

3. During the muzzleloader portion (December 7 through December 15, 2002), a person holding a firearms deer hunting permit may take deer as provided in this rule. Deer may be taken only with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breach, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge. A person, while in the act of pursuing or hunting deer on a firearms deer hunting permit during this portion of the firearms deer hunting season may have and use more than one (1) muzzleloading or cap-and-ball firearm, but may have no other firearm, longbow or crossbow on his/her person.

4. During the antlerless-only portion (December 19 through December 22, 2002), a person holding a firearms deer hunting permit may take only antlerless deer in units 1 through 27, 33 through 37, 58 and 59 as provided in this rule.

(B) During the youth-only, November, and antlerless-only portions, deer may be taken with a shotgun not smaller than 20-gauge or larger than 10-gauge; or with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breach, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge; or with any pistol, revolver or rifle firing centerfire ammunition propelling an expanding-type bullet; or with a longbow or crossbow. The possession of full hard metal case projectiles, ammunition propelling more than one (1) projectile at a single discharge and self-loading firearms having a capacity of more than eleven (11) cartridges in magazine and chamber combined are prohibited while pursuing deer.

(C) A person may take only one (1) antlered deer during the firearms deer hunting season. A person may take one (1) deer of either sex on a firearms any-deer hunting permit. A person may take one (1) additional antlerless deer on a firearms first bonus deer hunting permit and one (1) additional antlerless deer on a firearms second bonus deer hunting permit. As provided in 3 CSR 10-5.205, a person under twelve (12) years of age holding a youth deer and turkey hunting permit may take one (1) deer of either sex statewide during the firearms deer hunting season, except that only antlerless deer may be taken during the antlerless-only portion.

(D) During the November and antlerless-only portions, other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a resident landowner on his/her land or to a lessee on the land on which s/he resides; provided that the holder of an unused firearms deer hunting permit and the prescribed hunting permit may take coyotes and, after the opening of the furbearer hunting season, furbearers as described in 3 CSR 10-7.450 by the methods prescribed for taking deer. Furbearers may not be chased, pursued or taken with the aid of dogs during the daylight hours from November 1 through November 26, 2002 statewide, and from December 19 through December 22, 2002 in units 1-27, 33-37, 58 and 59. Squirrels and rabbits may not be chased, pursued or taken with the aid of dogs during daylight hours of the November portion in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(E) A resident landowner or lessee, as defined in this Code, shall not be required to purchase a firearms deer hunting permit to hunt an antlered deer as prescribed in this rule, on any land s/he owns or, in the case of the lessee, upon land which s/he resides. Resident landowners or lessees who take an antlered deer under this privilege may also purchase and use firearms bonus deer hunting permits to take antlerless deer but s/he shall adhere to seasons, methods, units and limits prescribed.

(F) Resident landowners or corporate shareholders who qualify under subsection (4)(C) of this rule are eligible for any-deer and bonus deer hunting permits at no cost. Nonresident landowners who qualify under subsection (4)(C) of this rule are eligible to purchase nonresident landowner firearms deer permits for use on qualifying land.

(4) Deer management unit boundaries are defined in section (6) of this rule. Hunting is permitted within deer management units as follows:

(A) Units 1-59:

1. During the youth-only portion of the firearms deer hunting season, one (1) deer of either sex may be taken statewide as provided in section (3) except that only antlerless deer may be taken on bonus permits. Deer taken during this portion of the firearms deer hunting season must be included in the total firearms deer hunting season limits.

2. During the November, and muzzleloader portions of the firearms deer hunting season, one (1) deer of either sex may be taken statewide as provided in section (3). Bonus permit holders may take additional antlerless deer in the unit specified on the permits. Nonresidents may purchase first bonus and second bonus

permits according to a quota for nonresident permits established for each deer management unit.

(B) Units 1-27, 33-37, 58 and 59: During the antlerless-only portion of the firearms deer hunting season, a person holding an any-deer and/or bonus permit(s) from any unit or holding a youth deer and turkey hunting permit may take antlerless deer.

(C) Resident landowners who own at least seventy-five (75) acres in a single management unit or seventy-five (75) continuous acres divided by a unit boundary will be issued no-cost any-deer permits in all deer management units, and also no-cost bonus deer permits in those units where bonus deer permits are available as described in subsections (A) and (B) above. Nonresident landowners must own at least seventy-five (75) continuous acres within a single deer management unit and meet the requirements of this rule. No person may receive more than one (1) landowner any-deer and two (2) landowner bonus deer hunting permits for the firearms season and no person may take more than three (3) deer, only one (1) of which may be antlered, during the firearms deer hunting season. A landowner may assign permits to those persons described in paragraph 3. below if the landowner's acreage qualifies in accordance with the formula set forth in paragraph 1. below. Assignments must be made in writing on the landowner's application or renewal form.

1. The acreage formula for resident and nonresident landowner any-deer and bonus deer hunting permits is:

A. Seventy-five to one hundred forty-nine (75-149) acres—one (1) any-deer and two (2) bonus deer hunting permits.

B. One hundred fifty to two hundred ninety-nine (150-299) acres—two (2) any-deer and four (4) bonus deer hunting permits.

C. Three hundred to five hundred ninety-nine (300-599) acres—three (3) any-deer and six (6) bonus deer hunting permits.

D. Six hundred (600) acres or more—four (4) any-deer and eight (8) bonus deer hunting permits.

2. Missouri resident landowners who can qualify to receive no-cost any-deer and bonus deer hunting permits are:

A. Landowners of at least seventy-five (75) acres in a single management unit or seventy-five (75) continuous acres divided by a unit boundary.

B. Officers, four (4) or fewer, of resident or foreign corporations.

C. General partners, four (4) or fewer, of partnerships.

D. Officers or managing members, four (4) or fewer, of resident limited liability companies.

E. Officers, four (4) or fewer, of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

3. Persons who may be designated to receive no-cost landowner any-deer and bonus deer hunting permits are:

A. Members of the resident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

B. Lessees who reside on the landowner's property and/or their immediate household members.

4. Nonresident landowners who can qualify to purchase nonresident landowner deer and turkey hunting permits are:

A. Landowners of at least seventy-five (75) acres in one (1) continuous tract.

B. Members of the nonresident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

C. Four (4) or fewer general partners of partnerships.

(5) Managed Deer Hunts.

(A) Additional deer may be taken as a participant in a managed deer hunt on a managed deer hunting permit. A person may participate in only one (1) managed deer hunt in the prescribed permit year with the exception that disabled persons permanently con-

fined to a wheelchair may participate in more than one managed hunt. Managed deer hunts include:

1. On the fenced portion of Caney Mountain Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 19 through October 21, 2002.

2. On the fenced portion of Peck Ranch Conservation Area, one (1) deer of either sex may be taken with longbow from October 5 through October 6, 2002; one (1) deer of either sex may be taken with modern firearms from October 26 through October 27, 2002; one (1) antlered deer may be taken with muzzleloading or cap-and-ball firearms from October 19 through October 20, 2002.

3. On Drury-Mincy Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 26 through October 28, 2002.

4. On designated portions of Swan Lake National Wildlife Refuge, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from January 4 through January 5, 2003. An antlerless deer must be taken and registered prior to taking an antlered deer. Two (2) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 11 through January 12, 2003.

5. On designated portions of Fort Leonard Wood, one (1) deer of either sex may be taken with historic weapons from December 21 through December 22, 2002.

6. On designated portions of Mingo National Wildlife Refuge, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from January 4 through January 5, 2003.

7. On designated portions of August A. Busch Memorial Conservation Area, one (1) antlerless deer may be taken with longbow from October 14 through October 23, 2002 and one (1) deer of either sex may be taken with longbow from October 1 through October 11, 2002 and from December 26, 2002 through January 7, 2003; one (1) deer of either sex may be taken with historic weapons or modern firearms from October 26 through October 27, 2002; one (1) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from November 18 through November 20, 2002; and one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from November 23 through November 25, 2002.

8. On Weldon Spring Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through October 13, 2002 from October 19 through October 31, 2002, from December 2 through December 22, 2002 and from December 26, 2002 through January 15, 2003; one (1) deer of either sex may be taken with modern firearms from October 26 through October 27, 2002 from November 18 through November 20, 2002 and from November 23 through November 25, 2002.

9. On designated portions of James A. Reed Memorial Wildlife Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 26 through November 3, 2002; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 4 through November 7, 2002 and from November 11 through November 15, 2002. An antlerless deer must be taken and registered prior to taking an antlered deer.

10. On designated portions of U.S. Army Corps of Engineers project lands at Smithville Lake, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 23 through November 24, 2002 and two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from January 18 through January 19, 2003. On designated portions of Truman Lake and Stockton Lake, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 9 through November 10, 2002.

11. On designated portions of Whetstone Creek Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 18 through November

20, 2002. An antlerless deer must be taken and registered prior to taking an antlered deer. One (1) deer of either sex may be taken with longbow from October 1 through November 15; and one (1) antlerless deer may be taken with longbow from November 27 through December 31, 2002.

12. On designated portions of Forest 44 Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through October 14, 2002 and from December 1 through December 31, 2002; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 18 through November 19, 2002 and from November 25 through November 26, 2002.

13. On designated portions of Squaw Creek National Wildlife Refuge, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 11 through January 13, 2003.

14. On designated portions of Burr Oak Woods Conservation Area, three (3) deer, only one (1) of which may be antlered, may be taken with longbow from November 11 through November 13, 2002; three (3) deer may be taken with muzzleloading or cap-and-ball firearms from December 2 through December 4, 2002 and from December 9 through December 11, 2002. An antlerless deer must be taken and registered prior to taking an antlered deer.

15. On designated portions of Shaw Nature Reserve, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 7 through December 8, 2002 and from January 4 through January 5, 2003.

16. On designated portions of Stockton State Park, three (3) antlerless deer may be taken with modern firearms from December 7 through December 8, 2002; on designated portions of Meramec State Park, three (3) antlerless deer may be taken with modern firearms from December 7 through December 8, 2002; on designated portions of Meramec State Park, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from December 7 through December 8, 2002; on designated portions of Watkins Mill State Park, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 14 through December 15, 2002; on designated portions of Big Oak Tree State Park, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms on December 7, 2002 and January 11, 2003; on designated portions of Knob Noster State Park, three (3) antlerless deer may be taken with modern firearms from December 14 through December 15, 2002; on designated portions of St. Francois State Park, three (3) antlerless deer may be taken with modern firearms from January 11 through January 12, 2003; on designated portions of Pershing State Park, three (3) antlerless deer may be taken with modern firearms from December 7 through December 8, 2002; on designated portions of Rock Bridge State Park, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 4 through January 5, 2003. During the Watkins Mill State Park managed hunt two (2) antlerless deer must be taken and registered before taking an antlered deer.

17. On designated portions of Jackson County's Fleming Park, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 2 through December 4, 2002 and from December 18 through December 20, 2002. An antlerless deer must be taken and registered prior to taking an antlered deer.

18. On designated portions of Rockwoods Range, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from November 1 through November 30, 2002 and from December 1 through December 31, 2002.

19. On designated portions of Charles W. Green Conservation Area, one (1) deer of either sex may be taken with historic weapons or modern firearms from November 2 through November 3, 2002 from November 9 through November 10, 2002 and from November 16 through November 17, 2002.

20. On designated portions of Pelican Island Natural Area, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 9 through November 11, 2002.

21. On designated portions of Prairie Fork Creek Conservation Area, two (2) antlerless deer may be taken with modern firearms from November 18 through November 20, 2002.

22. On designated portions of St. Stanislaus Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through November 19 and from November 23 through December 31, 2002.

23. On designated portions of Clarence Cannon National Wildlife Refuge, three (3) antlerless deer may be taken with modern firearms from January 4 through January 5, 2003.

24. On designated portions of University Forest Conservation Area, one (1) deer of either sex may be taken with modern firearms from October 19 through October 20, 2002.

25. On designated portions of Marais Temps Clair Conservation Area, one (1) deer of either sex may be taken with longbow from January 1 through January 15, 2003.

26. On designated portions of Otter Slough Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through October 14, 2002 and from January 1 through January 15, 2003.

27. On designated portions of Rockwoods Reservation, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 18 through November 19, 2002. An antlerless deer must be taken and registered prior to taking an antlered deer.

(6) Deer management units are defined as follows:

(A) Unit 1—West of a line comprised of U.S. Hwy. 59 to junction with U.S. Hwy. 71; U.S. Hwy. 71 to junction with Interstate Hwy. 29; Interstate Hwy. 29 to junction with U.S. Hwy. 36; North of U.S. Hwy. 36 to junction with the Kansas line; East of a line comprised of the Kansas line to junction with the Nebraska line; the Nebraska line to junction with the Iowa line; and South of the Iowa line to junction with U.S. Hwy. 59.

(B) Unit 2—West of a line comprised of Worth County Hwy. H to junction with Mo. Hwy. 246; Mo. Hwy. 246 to junction with Mo. Hwy. 46; Mo. Hwy. 46 to junction with U.S. Hwy. 136; U.S. Hwy. 136 to junction with U.S. Hwy. 169; U.S. Hwy. 169 to junction with Gentry County Hwy. Z; Gentry County Hwy. Z to junction with Gentry County Hwy. A; Gentry County Hwy. A to junction with DeKalb County Hwy. A; DeKalb County Hwy. A to junction with Mo. Hwy. 33; Mo. Hwy. 33 to junction with U.S. Hwy. 36; North of U.S. Hwy. 36 to junction with Interstate Hwy. 29; East of a line comprised of Interstate Hwy. 29 to junction with U.S. Hwy. 71; U.S. Hwy. 71 to junction with U.S. Hwy. 59; U.S. Hwy. 59 to junction with the Iowa line; and South of the Iowa line to junction with Worth County Hwy. H.

(C) Unit 3—West of U.S. Hwy. 65 to junction with U.S. Hwy. 36; North of U.S. Hwy. 36 to junction with Mo. Hwy. 33; East of a line comprised of Mo. Hwy. 33 to junction with DeKalb County Hwy. A; DeKalb County Hwy. A to junction with Gentry County Hwy. A; Gentry County Hwy. A to junction with Gentry County Hwy. Z; Gentry County Hwy. Z to junction with U.S. Hwy. 169; U.S. Hwy. 169 to junction with U.S. Hwy. 136; U.S. Hwy. 136 to junction with Mo. Hwy. 46; Mo. Hwy. 46 to junction with Mo. Hwy. 246; Mo. Hwy. 246 to junction with Worth County Hwy. H; Worth County Hwy. H to junction with the Iowa line; and South of the Iowa line to junction with U.S. Hwy. 65.

(D) Unit 4—West of Mo. Hwy. 129 to junction with U.S. Hwy. 36; North of U.S. Hwy. 36 to junction with U.S. Hwy. 65; East of U.S. Hwy. 65 to junction with the Iowa line; and South of the Iowa line to junction with Mo. Hwy. 129.

(E) Unit 5—West of U.S. Hwy. 63 to junction with U.S. Hwy. 36; North of U.S. Hwy. 36 to junction with Mo. Hwy. 129; East

of Mo. Hwy. 129 to junction with the Iowa line; and South of the Iowa line to junction with U.S. Hwy. 63.

(F) Unit 6—West of Mo. Hwy. 15 to junction with U.S. Hwy. 36; North of U.S. Hwy. 36 to junction with U.S. Hwy. 63; East of U.S. Hwy. 63 to junction with the Iowa line; and South of the Iowa line to junction with Mo. Hwy. 15.

(G) Unit 7—West of the Illinois line to junction with U.S. Hwy. 36; North of U.S. Hwy. 36 to junction with Mo. Hwy. 15; East of Mo. Hwy. 15 to junction with the Iowa line; and South and West of the Iowa line to junction with the Illinois line.

(H) Unit 8—West of a line comprised of Interstate Hwy. 29 to junction with U.S. Hwy. 169; U.S. Hwy. 169 to junction with Mo. Hwy. 116; North of Mo. Hwy. 116 to junction with U.S. Hwy. 59; West and North of U.S. Hwy. 59 to junction with the Kansas line; East of the Kansas line to junction with U.S. Hwy. 36; and South of U.S. Hwy. 36 to junction with Interstate Hwy. 29.

(I) Unit 9—West and North of a line comprised of U.S. Hwy. 69 to junction with Mo. Hwy. 116; North of Mo. Hwy. 116 to junction with U.S. Hwy. 169; U.S. Hwy. 169 to junction with Interstate Hwy. 29; Interstate Hwy. 29 to junction with U.S. Hwy. 36; and South of U.S. Hwy. 36 to junction with U.S. Hwy. 69.

(J) Unit 10—West of a line comprised of U.S. Hwy. 65 to junction with the Grand River; the Grand River to junction with U.S. Hwy. 24; U.S. Hwy. 24 to junction with the Missouri River; North of the Missouri River to junction with the Clay County line; East of the Clay County line to junction with Mo. Hwy. 10; North of Mo. Hwy. 10 to junction with U.S. Hwy. 69; U.S. Hwy. 69 to junction with U.S. Hwy. 36; and South of U.S. Hwy. 36 to junction with U.S. Hwy. 65.

(K) Unit 11—West of U.S. Hwy. 65 to junction with Interstate Hwy. 70; North of Interstate Hwy. 70 to junction with the Jackson County line; East of the Jackson County line to junction with the Missouri River; and South of the Missouri River to junction with U.S. Hwy. 65.

(L) Unit 12—West of U.S. Hwy. 63 to junction with U.S. Hwy. 24; North of U.S. Hwy. 24 to junction with the Grand River; East of a line comprised of the Grand River to junction with U.S. Hwy. 65; U.S. Hwy. 65 to junction with U.S. Hwy. 36; and South of U.S. Hwy. 36 to junction with U.S. Hwy. 63.

(M) Unit 13—West of U.S. Hwy. 63 to junction with Interstate Hwy. 70; North of Interstate Hwy. 70 to junction with U.S. Hwy. 65; East of U.S. Hwy. 65 to junction with U.S. Hwy. 24; and South of U.S. Hwy. 24 to junction with U.S. Hwy. 63.

(N) Unit 14—West of a line comprised of Mo. Hwy. 15 to junction with U.S. Hwy. 54; U.S. Hwy. 54 to junction with Interstate Hwy. 70; North of Interstate Hwy. 70 to junction with U.S. Hwy. 63; East of U.S. Hwy. 63 to junction with U.S. Hwy. 36; and South of U.S. Hwy. 36 to junction with Mo. Hwy. 15.

(O) Unit 15—West of a line comprised of U.S. Hwy. 61 to junction with Pike County Hwy. B; Pike County Hwy. B to junction with Pike County Hwy. C; Pike County Hwy. C to junction with Ralls County Hwy. F; Ralls County Hwy. F to junction with Audrain County Hwy. F; Audrain County Hwy. F to junction with U.S. Hwy. 54; North of U.S. Hwy. 54 to junction with Mo. Hwy. 15; East of Mo. Hwy. 15 to junction with U.S. Hwy. 36; and South of U.S. Hwy. 36 to junction with U.S. Hwy. 61.

(P) Unit 16—West of U.S. Hwy. 61 to junction with Interstate Hwy. 70; North of Interstate Hwy. 70 to junction with U.S. Hwy. 54; East and South of U.S. Hwy. 54 to junction with U.S. Hwy. 61.

(Q) Unit 17—West and South of the Illinois line to junction with St. Charles County and St. Louis County border; North and West of St. Charles County and St. Louis County border to junction with Interstate Hwy. 70; North of Interstate Hwy. 70 to junction with U.S. Hwy. 61; East of a line comprised of U.S. Hwy. 61 to junction with U.S. Hwy. 54; U.S. Hwy. 54 to junction with Audrain County Hwy. F; Audrain County Hwy. F to junction with Ralls County Hwy. F; Ralls County Hwy. F to junction with Pike

County Hwy. C; Pike County Hwy. C to junction with Pike County Hwy. B; Pike County Hwy. B to junction with U.S. Hwy. 61; U.S. Hwy. 61 to junction with U.S. Hwy. 36; and South of U.S. Hwy. 36 to junction with the Illinois line.

(R) Unit 18—West of a line comprised of Mo. Hwy. 131 to junction with Mo. Hwy. 2; Mo. Hwy. 2 to junction with Johnson County Hwy. B; Johnson County Hwy. B to junction with Henry County Hwy. B; Henry County Hwy. B to junction with Mo. Hwy. 7. Mo. Hwy. 7 to junction with Henry County Hwy. K; Henry County Hwy. K to junction with Henry County Hwy. H; Henry County Hwy. H to junction with Henry County Hwy. KK; Henry County Hwy. KK to junction with St. Clair County Hwy. KK; St. Clair County Hwy. KK to junction with Mo. Hwy. 52; North of Mo. Hwy. 52 to junction with the Kansas line; East of the Kansas line to junction with the Jackson County line; South of the Jackson County line to junction with Cass County Hwy. D; West of Cass County Hwy. D to junction with Mo. Hwy. 58; South of Mo. Hwy. 58 to junction with Johnson County line; East of a line that forms the borders of Cass and Johnson counties, Jackson and Johnson counties, and Jackson and Lafayette counties to junction with Interstate Hwy. 70; and South of Interstate Hwy. 70 to junction with Mo. Hwy. 131.

(S) Unit 19—West and North of a line comprised of U.S. Hwy. 65 to junction with Mo. Hwy. 52; Mo. Hwy. 52 to junction with Mo. Hwy. 13; Mo. Hwy. 13 to junction with St. Clair County Hwy. A; North of a line comprised of St. Clair County Hwy. A to junction with Mo. Hwy. 52; Mo. Hwy. 52 to junction with St. Clair County Hwy. KK; East of a line comprised of St. Clair County Hwy. KK to junction with Henry County Hwy. KK; Henry County Hwy. KK to junction with Henry County Hwy. H; Henry County Hwy. H to junction with Henry County Hwy. K; Henry County Hwy. K to junction with Mo. Hwy. 7; Mo. Hwy. 7 to junction with Henry County Hwy. B; Henry County Hwy. B to junction with Johnson County Hwy. B; Johnson County Hwy. B to junction with Mo. Hwy. 2; Mo. Hwy. 2 to junction with Mo. Hwy. 131; Mo. Hwy. 131 to junction with Interstate Hwy. 70; South of Interstate Hwy. 70 to junction with U.S. Hwy. 65.

(T) Unit 20—West of a line comprised of the Missouri River to junction with U.S. Hwy. 63; U.S. Hwy. 63 to junction with U.S. Hwy. 50; North of U.S. Hwy. 50 to junction with U.S. Hwy. 65; East of U.S. Hwy. 65 to junction with Interstate Hwy. 70; and South of Interstate Hwy. 70 to junction with the Missouri River.

(U) Unit 21—West of U.S. Hwy. 54 to junction with Mo. Hwy. 52; North of Mo. Hwy. 52 to junction with U.S. Hwy. 65; East of U.S. Hwy. 65 to junction with U.S. Hwy. 50; and South of U.S. Hwy. 50 to junction with U.S. Hwy. 54.

(V) Unit 22—West of U.S. Hwy. 54 to junction with the Missouri River; North and East of the Missouri River to junction with Interstate Hwy. 70; and South of Interstate Hwy. 70 to junction with U.S. Hwy. 54.

(W) Unit 23—West of Mo. Hwy. 19 to junction with the Missouri River; North of the Missouri River to junction with U.S. Hwy. 54; East of U.S. Hwy. 54 to junction with Interstate Hwy. 70; and South of Interstate Hwy. 70 to junction with Mo. Hwy. 19.

(X) Unit 24—West and North of the Missouri River including Howell Island to junction with Mo. Hwy. 19; East of Mo. Hwy. 19 to junction with Interstate Hwy. 70; and South of Interstate Hwy. 70 to junction with the Missouri River.

(Y) Unit 25—West of Mo. Hwy. 13 to junction with U.S. Hwy. 54; North of U.S. Hwy. 54 to junction with U.S. Hwy. 71; East of U.S. Hwy. 71 to junction with Mo. Hwy. 52; and South of a line comprised of Mo. Hwy. 52 to junction with St. Clair County Hwy. A; St. Clair County Hwy. A to junction with Mo. Hwy. 13.

(Z) Unit 26—West of U.S. Hwy. 65 to junction with U.S. Hwy. 54; North of U.S. Hwy. 54 to junction with Mo. Hwy. 13; East of Mo. Hwy. 13 to junction with Mo. Hwy. 52; and South of Mo. Hwy. 52 to junction with U.S. Hwy. 65.

(AA) Unit 27—West and North of U.S. Hwy. 54 to junction with U.S. Hwy. 65; East of U.S. Hwy. 65 to junction with Mo. Hwy. 52; and South of Mo. Hwy. 52 to junction with U.S. Hwy. 54.

(BB) Unit 28—West of U.S. Hwy. 63 to junction with Interstate Hwy. 44; North of Interstate Hwy. 44 to junction with Mo. Hwy. 5; East of Mo. Hwy. 5 to junction with U.S. Hwy. 54; and South of U.S. Hwy. 54 to junction with U.S. Hwy. 63.

(CC) Unit 29—West of Mo. Hwy. 19 to junction with Interstate Hwy. 44; North of Interstate Hwy. 44 to junction with U.S. Hwy. 63; East of U.S. Hwy. 63 to junction with the Missouri River; and South of the Missouri River to junction with Mo. Hwy. 19.

(DD) Unit 30—West of a line comprised of the Franklin County and St. Louis County border to junction with Interstate Hwy. 44; North of Interstate Hwy. 44 to junction with Mo. Hwy. 19; East of Mo. Hwy. 19 to junction with the Missouri River; and South of a line comprised of the Missouri River to junction with the Franklin County and St. Louis County border.

(EE) Unit 31—West of a line comprised of Mo. Hwy. 21 to junction with Mo. Hwy. 8; Mo. Hwy. 8 to junction with Mo. Hwy. 185; North and East of Mo. Hwy. 185 to junction with Interstate Hwy. 44; East and South of a line comprised of Interstate Hwy. 44 to junction with the Franklin County and St. Louis County border; West of the Franklin County and St. Louis County border to the Jefferson County and St. Louis County border; and South of the Jefferson County and St. Louis County border to junction with Mo. Hwy. 21.

(FF) Unit 32—West of the Illinois line to junction with Ste. Genevieve County Hwy. U; North of a line comprised of Ste. Genevieve County Hwy. U to junction with U.S. Hwy. 61; U.S. Hwy. 61 to junction with Mo. Hwy. 32; Mo. Hwy. 32 to junction with Business U.S. Hwy. 67; Business U.S. Hwy. 67 to junction with Mo. Hwy. 8; Mo. Hwy. 8 to junction with Mo. Hwy. 21; East of a line comprised of Mo. Hwy. 21 to junction with the Jefferson County and St. Louis County border; and South of Jefferson County and St. Louis County border to junction with the Illinois line.

(GG) Unit 33—West of a line comprised of U.S. Hwy. 71 to junction with U.S. Hwy. 54; U.S. Hwy. 54 to junction with Mo. Hwy. 32; Mo. Hwy. 32 to junction with Mo. Hwy. 97; Mo. Hwy. 97 to junction with Cedar County Hwy. C; Cedar County Hwy. C to junction with Barton County Hwy. C; Barton County Hwy. C to junction with Barton County Hwy. F; Barton County Hwy. F to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Mo. Hwy. 126; North of Mo. Hwy. 126 to junction with the Kansas line; East of the Kansas line to junction with Mo. Hwy. 52; and South of Mo. Hwy. 52 to junction with U.S. Hwy. 71.

(HH) Unit 34—West of Mo. Hwy. 13 to junction with Interstate Hwy. 44; North of a line comprised of Interstate Hwy. 44 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Barton County Hwy. F; East of a line comprised of Barton County Hwy. F to junction with Barton County Hwy. C; Barton County Hwy. C to junction with Cedar County Hwy. C; Cedar County Hwy. C to junction with Mo. Hwy. 97; Mo. Hwy. 97 to junction with Mo. Hwy. 32; Mo. Hwy. 32 to junction with U.S. Hwy. 54; and South of U.S. Hwy. 54 to junction with Mo. Hwy. 13.

(II) Unit 35—West and North of Interstate Hwy. 44 to junction with the Oklahoma line; East of a line comprised of the Oklahoma line to junction with the Kansas line; the Kansas line to junction with Mo. Hwy. 126; and South of a line comprised of Mo. Hwy. 126 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Interstate Hwy. 44.

(JJ) Unit 36—West of Mo. Hwy. 5 to junction with Mo. Hwy. 32; North of Mo. Hwy. 32 to junction with Mo. Hwy. 13; East of Mo. Hwy. 13 to junction with U.S. Hwy. 54; and South of U.S. Hwy. 54 to junction with Mo. Hwy. 5.

(KK) Unit 37—West and North of Interstate Hwy. 44 to junction with Mo. Hwy. 13; East of Mo. Hwy. 13 to junction with Mo.

Hwy. 32; and South of Mo. Hwy. 32 to junction with Interstate Hwy. 44.

(LL) Unit 38—West of a line comprised of the Gasconade River to junction with Mo. Hwy. 32; Mo. Hwy. 32 to junction with Mo. Hwy. 95; Mo. Hwy. 95 to junction with U.S. Hwy. 60; North of U.S. Hwy. 60 to junction with U.S. Hwy. 65; and East and South of a line comprised of U.S. Hwy. 65 to junction with Interstate Hwy. 44; Interstate Hwy. 44 to junction with the Gasconade River.

(MM) Unit 39—West of Mo. Hwy. 68 to junction with Mo. Hwy. 32; North of Mo. Hwy. 32 to junction with the Gasconade River; East of the Gasconade River to junction with Interstate Hwy. 44; and South of Interstate Hwy. 44 to junction with Mo. Hwy. 68.

(NN) Unit 40—West of a line comprised of Mo. Hwy. 19 to junction with Dent County Hwy. K; Dent County Hwy. K to junction with Shannon County Hwy. K; Shannon County Hwy. K to junction with Texas County Hwy. K; Texas County Hwy. K to junction with Mo. Hwy. 17; Mo. Hwy. 17 to junction with U.S. Hwy. 60; North of U.S. Hwy. 60 to junction with Mo. Hwy. 95; East of Mo. Hwy. 95 to junction with Mo. Hwy. 32; and South of Mo. Hwy. 32 to junction with Mo. Hwy. 19.

(OO) Unit 41—West of a line comprised of Mo. Hwy. 185 to junction with Mo. Hwy. 8; Mo. Hwy. 8 to junction with Business U.S. Hwy. 67; Business U.S. Hwy. 67 to junction with Mo. Hwy. 32; North of a line comprised of Mo. Hwy. 32 to junction with Mo. Hwy. 72; Mo. Hwy. 72 to junction with Dent County Hwy. B; Dent County Hwy. B to junction with Mo. Hwy. 19; East of a line comprised of Mo. Hwy. 19 to junction with Mo. Hwy. 68; Mo. Hwy. 68 to junction with Interstate Hwy. 44; and South of Interstate Hwy. 44 to junction with Mo. Hwy. 185.

(PP) Unit 42—West of a line comprised of Mo. Hwy. 21 to junction with Mo. Hwy. 49; Mo. Hwy. 49 to junction with Mo. Hwy. 34; North of a line comprised of Mo. Hwy. 34 to junction with Mo. Hwy. 21; Mo. Hwy. 21 to junction with Mo. Hwy. 106; Mo. Hwy. 106 to junction with Mo. Hwy. 19; Mo. Hwy. 19 to junction with U.S. Hwy. 60; U.S. Hwy. 60 to junction with Mo. Hwy. 17; East of a line comprised of Mo. Hwy. 17 to junction with Texas County Hwy. K; Texas County Hwy. K to junction with Shannon County Hwy. K; Shannon County Hwy. K to junction with Dent County Hwy. K; Dent County Hwy. K to junction with Dent County Hwy. B; and South of a line comprised of Dent County Hwy. B to junction with Mo. Hwy. 72; Mo. Hwy. 72 to junction with Mo. Hwy. 32; Mo. Hwy. 32 to junction with Mo. Hwy. 21.

(QQ) Unit 43—West of a line comprised of Mo. Hwy. 51 to junction with Mo. Hwy. 91; Mo. Hwy. 91 to junction with Stoddard County Hwy. C; North of a line comprised of Stoddard County Hwy. C to junction with Bollinger County Hwy. C; Bollinger County Hwy. C to junction with Bollinger County Hwy. P; Bollinger County Hwy. P to junction with Wayne County Hwy. P; Wayne County Hwy. P to junction with Wayne County Hwy. E; Wayne County Hwy. E to junction with Wayne County Hwy. C; Wayne County Hwy. C to junction with Mo. Hwy. 34; Mo. Hwy. 34 to junction with Mo. Hwy. 49; East of a line comprised of Mo. Hwy. 49 to junction with Mo. Hwy. 21; Mo. Hwy. 21 to junction with Mo. Hwy. 32; and South of a line comprised of Mo. Hwy. 32 to junction with U.S. Hwy. 61; U.S. Hwy. 61 to junction with Ste. Genevieve County Hwy. U; Ste. Genevieve County Hwy. U to junction with the Illinois line; the Illinois line to junction with Mo. Hwy. 51.

(RR) Unit 44—West and South of the Illinois line to junction with Mo. Hwy. 74; North of a line comprised of Mo. Hwy. 74 to junction with Mo. Hwy. 25; Mo. Hwy. 25 to junction with Mo. Hwy. 91; and East of a line comprised of Mo. Hwy. 91 to junction with Mo. Hwy. 51; Mo. Hwy. 51 to junction with the Illinois line.

(SS) Unit 45—West of Mo. Hwy. 37 to junction with Barry County Hwy. B; North of a line comprised of Barry County Hwy.

B to junction with Mo. Hwy. 97; Mo. Hwy. 97 to junction with Mo. Hwy. 86; Mo. Hwy. 86 to junction with U.S. Hwy. 60; U.S. Hwy. 60 to junction with the Oklahoma line; East of the Oklahoma line to junction with Interstate Hwy. 44; and South of Interstate Hwy. 44 to junction with Mo. Hwy. 37.

(TT) Unit 46—West of Mo. Hwy. 37 to junction with the Arkansas line; North of the Arkansas line to junction with the Oklahoma line; East of the Oklahoma line to junction with U.S. Hwy. 60; and South of a line comprised of U.S. Hwy. 60 to junction with Mo. Hwy. 86; Mo. Hwy. 86 to junction with Mo. Hwy. 97; Mo. Hwy. 97 to junction with Barry County Hwy. B; Barry County Hwy. B to junction with Mo. Hwy. 37.

(UU) Unit 47—West of a line comprised of U.S. Hwy. 65 to junction with U.S. Hwy. 60; U.S. Hwy. 60 to junction with Mo. Hwy. 125; Mo. Hwy. 125 to junction with Mo. Hwy. 14; Mo. Hwy. 14 to junction with U.S. Hwy. 65; U.S. Hwy. 65 to junction with Christian County Hwy. EE; Christian County Hwy. EE to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Mo. Hwy. 176; North of a line comprised of Mo. Hwy. 176 to junction with Mo. Hwy. 13; Mo. Hwy. 13 to junction with Mo. Hwy. 173; Mo. Hwy. 173 to junction with U.S. Hwy. 60; U.S. Hwy. 60 to junction with Mo. Hwy. 37; East of Mo. Hwy. 37 to junction with Interstate Hwy. 44; and South of Interstate Hwy. 44 to junction with U.S. Hwy. 65.

(VV) Unit 48—West of U.S. Hwy. 65 to junction with the Arkansas line; North of the Arkansas line to junction with Mo. Hwy. 37; East of Mo. Hwy. 37 to junction with U.S. Hwy. 60; and South of a line comprised of U.S. Hwy. 60 to junction with Mo. Hwy. 173; Mo. Hwy. 173 to junction with Mo. Hwy. 13; Mo. Hwy. 13 to junction with Mo. Hwy. 176; Mo. Hwy. 176 to junction with U.S. Hwy. 65.

(WW) Unit 49—West of a line comprised of Mo. Hwy. 5 to junction with Mo. Hwy. 95; Mo. Hwy. 95 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Mo. Hwy. 125; Mo. Hwy. 125 to the Arkansas line; North of the Arkansas line to junction with U.S. Hwy. 65; East of U.S. Hwy. 65 to junction with Mo. Hwy. 176; Mo. Hwy. 176 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Christian County Hwy. EE; Christian County Hwy. EE to junction with U.S. Hwy. 65; U.S. Hwy. 65 to junction with Mo. Hwy. 14; Mo. Hwy. 14 to junction with Mo. Hwy. 125; Mo. Hwy. 125 to junction with U.S. Hwy. 60; and South of U.S. Hwy. 60 to junction with Mo. Hwy. 5.

(XX) Unit 50—West of U.S. Hwy. 63 to junction with Mo. Hwy. 14; North of Mo. Hwy. 14 to junction with Mo. Hwy. 5; East of Mo. Hwy. 5 to junction with U.S. Hwy. 60; and South of U.S. Hwy. 60 to junction with U.S. Hwy. 63.

(YY) Unit 51—West of a line comprised of U.S. Hwy. 63 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Mo. Hwy. 101; Mo. Hwy. 101 to junction with the Arkansas line; North of the Arkansas line to junction with Mo. Hwy. 125; East of a line comprised of Mo. Hwy. 125 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Mo. Hwy. 95; Mo. Hwy. 95 to junction with Mo. Hwy. 5; Mo. Hwy. 5 to junction with Mo. Hwy. 14; and South of Mo. Hwy. 14 to junction with U.S. Hwy. 63.

(ZZ) Unit 52—West of a line comprised of Mo. Hwy. 19 to junction with the Eleven Point River; the Eleven Point River to junction with the Arkansas line; North of the Arkansas line to junction with Mo. Hwy. 101; East of a line comprised of Mo. Hwy. 101 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with U.S. Hwy. 63; U.S. Hwy. 63 to junction with U.S. Hwy. 60; and South of U.S. Hwy. 60 to junction with Mo. Hwy. 19.

(AAA) Unit 53—West of Mo. Hwy. 21 to junction with U.S. Hwy. 160; North of U.S. Hwy. 160 to junction with the Eleven Point River; East of a line comprised of the Eleven Point River to junction with Mo. Hwy. 19; Mo. Hwy. 19 to junction with Mo.

Hwy. 106; and South of Mo. Hwy. 106 to junction with Mo. Hwy. 21.

(BBB) Unit 54—West of U.S. Hwy. 67 to junction with the Arkansas line; North of the Arkansas line to junction with the Eleven Point River; East of the Eleven Point River to junction with U.S. Hwy. 160; and South of U.S. Hwy. 160 to junction with U.S. Hwy. 67.

(CCC) Unit 55—West and South of a line comprised of Wayne County Hwy. C to junction with Wayne County Hwy. E; Wayne County Hwy. E to junction with Wayne County Hwy. P; Wayne County Hwy. P to junction with Bollinger County Hwy. P; Bollinger County Hwy. P to junction with Mo. Hwy. 51; Mo. Hwy. 51 to junction with U.S. Hwy. 60; North of a line comprised of U.S. Hwy. 60 to junction with U.S. Hwy. 160; U.S. Hwy. 160 to junction with Mo. Hwy. 21; East of Mo. Hwy. 21 to junction with Mo. Hwy. 34; and South of Mo. Hwy. 34 to junction with Wayne County Hwy. C.

(DDD) Unit 56—West of a line comprised of the Illinois line to junction with Interstate Hwy. 57; Interstate Hwy. 57 to junction with U.S. Hwy. 62; U.S. Hwy. 62 to junction with Mo. Hwy. 77; East of Mo. Hwy. 77 to junction with U.S. Hwy. 61; U.S. Hwy. 61 to junction with Mo. Hwy. 91; Mo. Hwy. 91 to junction with Stoddard County Hwy. N; Stoddard County Hwy. N to junction with U.S. Hwy. 60; North of U.S. Hwy. 60 to junction with Mo. Hwy. 51; East of Mo. Hwy. 51 to junction with Bollinger County Hwy. C; and South of a line comprised of Bollinger County Hwy. C to junction with Stoddard County Hwy. C; Stoddard County Hwy. C to junction with Mo. Hwy. 91; Mo. Hwy. 91 to junction with Mo. Hwy. 25; Mo. Hwy. 25 to junction with Mo. Hwy. 74; Mo. Hwy. 74 to junction with the Illinois line.

(EEE) Unit 57—West of a line comprised of the Illinois line to junction with the Kentucky line; the Kentucky line to junction with the Tennessee line; the Tennessee line to junction with the Arkansas line; North and East of the Arkansas line to junction with U.S. Hwy. 67; East of U.S. Hwy. 67 to junction with U.S. Hwy. 60; and South of a line comprised of U.S. Hwy. 60 to junction with Stoddard County Hwy. N; Stoddard County Hwy. N to junction with Mo. Hwy. 91; Mo. Hwy. 91 to junction with U.S. Hwy. 61; U.S. Hwy. 61 to junction with Mo. Hwy. 77; West of Mo. Hwy. 77 to junction with U.S. Hwy. 62; South of U.S. Hwy. 62 to junction with Interstate Hwy. 57; Interstate Hwy. 57 to junction with the Illinois line.

(FFF) Unit 58—West of a line that forms the borders between Jackson and Lafayette counties, Jackson and Johnson counties and Cass and Johnson counties to junction with Mo. Hwy. 58; North of a line comprised of Mo. Hwy. 58 to junction with Cass County Hwy. D; East of Cass County Hwy. D to junction with Jackson County line; North of Jackson County line to junction with the Kansas line; East and North of Kansas line to junction with U.S. Hwy. 59; South and East of U.S. Hwy. 59 to junction with Mo. Hwy. 116; South of Mo. Hwy. 116 to junction with U.S. Hwy. 69; West of U.S. Hwy. 69 to junction with Mo. Hwy. 10; South of Mo. Hwy. 10 to Ray County line; West of the Ray County line to junction with the Missouri River; and South of the Missouri River to junction with the Lafayette County line.

(GGG) Unit 59—Includes the area within the border of St. Louis County and the City of St. Louis.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed rule under section 536.021, RSMo.

This rule filed May 9, 2002, **effective June 1, 2002.**

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.353 Privileges of Class I and Class II Wildlife
Breeder is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2002 (27 MoReg 552-553). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.565 Licensed Hunting Preserve: Privileges is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2002 (27 MoReg 553-554). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-9.566 Licensed Hunting Preserve: Records Required
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2002 (27 MoReg 554). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule

becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.725 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods

PURPOSE: This amendment eliminates the use of hooks on the Missouri River upstream from U.S. Highway 169; prohibits harvest of shovelnose sturgeon on the Missouri River upstream from U.S. Highway 169; requires that bowfin and shovelnose sturgeon be kept whole and intact and that paddlefish ovaries be kept intact while on the waters of the state; and, prohibits the possession of extracted fish eggs while on waters of the state.

(1) Commercial fish, and live bait for personal use, may be taken in any numbers by the holder of a commercial fishing permit from commercial waters with seines, gill nets, trammel nets, hoop nets with or without wings, trotlines, throwlines, limb lines, bank lines or jug or block lines and any number of hooks, except on the Missouri River upstream from U.S. Highway 169 where hooks may not be used.

(3) On the Missouri River upstream from U.S. Highway 169 or banks thereof, game fish (including channel, blue and flathead catfish and paddlefish), shovelnose sturgeon, pallid sturgeon and lake sturgeon may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught.

(4) On the Missouri River downstream from U.S. Highway 169 or banks thereof, game fish (including channel, blue and flathead catfish and paddlefish), shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), pallid sturgeon and lake sturgeon may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught.

(5) On that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, channel, blue and flathead catfish less than fifteen inches (15") in total length, other game fish (including paddlefish), shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), pallid sturgeon and lake sturgeon may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught.

(6) On the Mississippi River, except in Sand Chute below the mouth of Salt River in Pike County, and also on waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line, channel, blue and flathead catfish less than fifteen inches (15") in total length, paddlefish less than twenty-four inches (24") in length (measured from eye to fork of tail), other game fish, shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), pallid sturgeon and lake sturgeon may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught.

(7) While on waters of the state and adjacent banks, the head and tail must remain attached to all fish, bowfin and shovelnose sturgeon must remain whole and intact, and the ovaries of paddlefish must remain intact and accompany the fish from which they were removed.

(8) Commercial fishing gear may not be used or set within three hundred (300) yards of any spillway, lock, dam or the mouth of any tributary stream or ditch, or in waters existing temporarily through overflow outside the banks of the specified rivers except as provided in section (1) of this rule, and may not be used to take fish underneath or through the ice. Seines, gill nets and trammel nets having a mesh smaller than two inches (2") bar measure, measured when wet, may not be used. Hoop nets and wings having a mesh smaller than one and one-half inches (1 1/2") bar measure, measured when wet, may not be used. Hooks attached to trotlines or throwlines shall be staged not less than two feet (2') apart. All gear used for commercial fishing shall be labeled with tags furnished by the department and placed as indicated on the tags. Portions of trotlines and jug or block lines, throwlines, bank lines and limb lines must have the commercial tag number under which they are being fished attached to each line. Commercial fishing gear may not be possessed on waters of the state or adjacent banks that are not open to commercial fishing, except during transportation by boat from the nearest access location to commercial fishing waters as determined by the department.

(9) The possession of game fish while in the act of using commercial fishing gear or aboard a boat transporting fish taken by commercial fishing gear is prohibited.

(10) The possession of extracted eggs of any fish species, except as provided in section (7) of this rule, is prohibited while on waters of the state and adjacent banks.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed May 9, 2002, effective July 1, 2002.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.727 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

3 CSR 10-10.727 Record Keeping and Reporting Required: Commercial Fishermen

PURPOSE: This amendment changes record keeping and reporting requirements for commercial fishermen.

(1) Commercial fishermen shall keep a dated receipt that includes the weight and species of fish, and the weight of extracted fish eggs (raw or processed) of each species, that were sold or given away and the name, address and signature of the recipient. These receipts shall be retained for three (3) years and shall be made available for inspection by an authorized agent of the department at any reasonable time.

(2) Commercial fishermen shall submit a monthly report on a form furnished by the Department, **which is included herein**, showing the origin (water area), weight and species of fish and fish eggs taken by him/her during the preceding month, or a negative report if none were taken. Monthly reports must be received by the department within thirty (30) days of the end of each month. Failure to submit a monthly report shall be sufficient cause for the department to revoke the current year's commercial fishing permit and deny renewal of the permit for the following year.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed May 9, 2002, **effective July 1, 2002.**

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 20—Labor and Industrial Relations Commission
Chapter 8—Tort Victims Appeals**

ORDER OF RULEMAKING

By the authority vested in the Labor and Industrial Relations Commission under section 286.060, RSMo 2000, the division adopts a rule as follows:

8 CSR 20-8.010 Review of Decisions Issued by the Division of Workers' Compensation in Tort Victims' Compensation Cases is amended.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2002 (27 MoReg 399). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 30—Permanency Planning For Children**

ORDER OF RULEMAKING

By the authority vested in the Division of Family Services, Department of Social Services under section 207.020, RSMo 2000, the director adopts a rule as follows:

13 CSR 40-30.020 Attorney Fees and Guardian Ad Litem Fees in Termination of Parental Rights Cases is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2002 (27 MoReg 406-407). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Family Services received one (1) comment on the proposed rule.

COMMENT: The Court Administrator for the Family Court of St. Louis County submitted a statement in opposition to capping the hourly fee rate and the total compensation rate for legal services provided in termination of parental rights cases. Concern was expressed that competition for quality legal representation is intense and that local attorney fees reflect that fact. The Court Administrator asked the division to give careful consideration to the needs of the families when establishing funding priorities in termination in parental rights cases and urged the division to find that the fee limitations contained in the proposed rule would not permit the Family Court to access quality legal representation for children and parents on a continuing basis in a metropolitan area. A higher fee cap and maximum case compensation amount was strongly recommended in order to enable effective competition for legal services to be achieved. The Court Administrator urged that, if some sort of fee structure must be imposed in these cases, a fee cap of at least one hundred dollars (\$100) per hour would be essential and that a maximum compensation amount of one thousand five hundred dollars (\$1,500) for uncontested matters and five thousand dollars (\$5,000) for contested cases would result in a more adequate compensation rate.

RESPONSE: The division understands and appreciates the concerns expressed in the comment submitted by the Court Administrator. The division agrees that it is essential that the best quality legal representation and guardian *ad litem* services be obtained and provided in these important cases involving termination of parental rights. The division is doing its best to ensure that limited fiscal resources are utilized in a manner that enables legal services providers to be compensated in an amount that is fair and that will not result in a diminution in the quality of legal services provided. It is believed that the proposed rule, as drafted, will accomplish that purpose especially inasmuch as the proposed rule does make provisions for payments above the maximum amounts for extended or complex litigation upon approval by the court. The division believes that the proposed rule achieves the aim of providing fair and uniform compensation in a manner which promotes fiscal responsibility and does not adversely impact on the quality of legal services provided. The division will closely monitor the implementation of this rule to determine if it results in any noticeable adverse impact on the quality of legal services provided in termination of parental rights cases. Therefore, no changes have been made to this proposed rule as a result of this comment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 60—Licensing of Foster Family Homes**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Family Services under section 210.221, RSMo 2000, the director amends a rule as follows:

13 CSR 40-60.050 Care of Children is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2002 (27 MoReg 341). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 536.023, RSMo 2000, the secretary rescinds a rule as follows:

15 CSR 30-45.030 Local Records Grant Program Administration is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2002 (27 MoReg 407). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 536.023, RSMo 2000, the secretary adopts a rule as follows:

15 CSR 30-45.030 Local Records Grant Program Administration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2002 (27 MoReg 407-408). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.406(a) and 409.413(a), RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-50.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 129-130). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed amendment.

COMMENT: Brian C. Underwood with A.G. Edwards & Sons, Inc., a registered broker-dealer, requested that the term "Investment Adviser Qualifying Officer," which is used in 15 CSR 30-51.030, be defined since it is not a commonly used term. He also noted that 15 CSR 30-50.020, which requires that certain filings be made through the Central Registration Depository or the Investment Adviser Registration Depository, does not expressly authorize electronic signatures. (See additional comments with respect to 15 CSR 30-50.020.) Mr. Underwood suggested incorporating a definition of "sign" adapted from the Uniform Electronic Transactions Act.

RESPONSE AND EXPLANATION OF CHANGE: Definitions of "Investment Adviser Qualifying Officer" and "Sign" or "Signature" will be included to clarify the intent of the rules.

15 CSR 30-50.010 Definitions

(1) When the terms listed in this rule are used in the Missouri Uniform Securities Act (the Act), these rules, the forms and the orders of the commissioner, the following meanings shall apply (unless the context otherwise requires), together with those which may later appear to the extent that they are not inconsistent with definitions provided in Chapter 409, RSMo:

(G) CRD System means the NASAA/NASD Central Registration Depository;

(H) Control and controlling person mean possession of the power, authority or means to engage in the management or policy-making functions of a person, directly or indirectly, through ownership of securities, by contract or otherwise. An officer, director, partner or trustee or individual occupying similar status or performing similar functions or a person owning ten percent (10%) or more of the outstanding shares of any class or classes of securities of another shall be presumed a controlling person;

(I) Division or Securities Division means the staff of the Division of Securities, Office of Secretary of State of Missouri;

(J) IARD System means the NASAA/SEC Investment Adviser Registration Depository;

(K) Investment adviser qualifying officer means an officer designated by the investment adviser as responsible for supervision of investment adviser representatives associated with the investment adviser, or if the investment adviser is a natural person or partnership, the person or partner responsible for supervision of investment adviser representatives;

(L) Investment company, for the purpose of section 409.305(j) of the Act, means an issuer defined in Section 3, Investment Company Act of 1940;

(M) Isolated, for the purpose of section 409.402(b)(1) of the Act, means standing alone, disconnected from any other transactions;

(N) NASD means the National Association of Securities Dealers, Inc.;

(O) NASAA means the National Association of Securities Administrators Association, Inc.;

(P) Parent means an affiliate controlling another person;

(Q) Predecessor means a person, a major portion of whose business, assets or control has been acquired by another;

(R) Promoter means a person who—

1. Acting alone or in conjunction with one (1) or more other persons, directly or indirectly, takes the initiative in founding and organizing or reorganizing the business or enterprise of an issuer; and

2. In connection with the founding and organizing or reorganizing of the business or enterprise of an issuer, directly or indirectly, receives in consideration of services or property, or both services and property, a substantial amount of any class of securities of the issuer or a substantial amount of the proceeds from the sale of any class of securities;

(S) Registrant means an applicant for whom, or an issuer with respect to whose securities, a registration has become effective;

(T) Sale or sell—

1. For the purpose of section 409.401(m)(6)(C) of the Act, the phrase “any act incident to a class vote by stockholders” shall include the issuance of securities by a corporation and the distribution of securities to its security holders or to another corporation or to the security holders of such other corporation, by the issuing corporation or by such other corporation in connection with any merger, consolidation, reclassification of securities or sale of corporate assets referred to in section 409.401(m)(6)(C); and

2. For the purpose of section 409.401(m)(6)(D) of the Act, the phrase “any act incident to a judicially approved reorganization,” shall include the issuance of securities of the types defined in Section 3(a)(7) (receivers’ and trustees’ certificates) and in Section 3(a)(10) (securities issued in reorganizations) of the Securities Act of 1933;

(U) Sign or signature means—

1. To execute or adopt a tangible symbol with the present intent to authenticate a record; or

2. To attach or logically associate an electronic symbol, sound, or process to or with;

(V) SEC means the United States Securities and Exchange Commission;

(W) Subsidiary means an affiliate controlled by another person;

(X) Underwriter means a person who has purchased from an issuer or an affiliate of an issuer with a view to, or offers or sells for an issuer or an affiliate of an issuer in connection with, the distribution of any security, or participates or has a participation in the direct or indirect underwriting of any such undertaking. Not included is a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors’ or sellers’ commission; and

(Y) For the purpose of section 409.402(a)(6) of the Act, the words industrial loan association, or similar association organized and supervised under the laws of this state do not include in their meaning any loan and investment company formed under the provisions of Chapter 368, RSMo.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 50—General

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202, 409.406, 409.407, 409.413 and 409.414, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.020 General Instructions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 130). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 50—General

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202, 409.406, 409.407, 409.413 and 409.414, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-50.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 130–131). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed rule.

COMMENT: Brian C. Underwood with A.G. Edwards & Sons, Inc., a registered broker-dealer, recommended that subparagraph (2)(B) permit “written communications” to be submitted electronically. Mr. Underwood also suggested that (2)(A) did not expressly authorize electronic signatures.

RESPONSE AND EXPLANATION OF CHANGE: The suggested modifications have been made to expand the use of electronic communication. “Signature” has been defined in 15 CSR 30-50.010(1)(U) to clarify that the commissioner recognizes electronic signatures.

15 CSR 30-50.020 General Instructions

(2) Filing Documents with the Securities Division.

(A) A document is filed when it is received in the office of the commissioner, or filed through the CRD System, the IARD System, or other electronic system approved by the commissioner. All applications for registration and filings shall be dated and bear a signature.

(B) All written communications, including applications and inquiries not submitted through the CRD System or the IARD System, shall be delivered by mail or carrier to Secretary of State, Securities Division, 600 W. Main Street, PO Box 1276, Jefferson City, MO 65102; or by facsimile to Secretary of State, Securities Division, (573) 526-3124; or by electronic mail to an address approved by the commissioner in a manner suitable for maintenance as a permanent record of the office (section 409.414(a), RSMo).

(C) Only the original executed copy of each form is required. If a document pertains to more than one (1) subject or application, a separate form, including cover or transmittal letter, or two (2) or more copies of the letter commensurate with the number of items submitted, should be filed.

(D) All forms and documents shall be printed, photocopied, typewritten, in electronic format, or prepared by a similar process which, in the opinion of the commissioner, produces copies suitable for a permanent record. All forms and documents shall be clear, easily readable and suitable for repeated photocopying. Exhibits may be attached and shall be properly marked and identified.

(E) All applications and other documents received and filed in the division become a part of its permanent records (section 409.414(a), RSMo) and may not be returned to the applicant or correspondent.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 50—General

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202, 409.305, 409.307 and 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.030 Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 131). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202, 409.305, 409.307 and 409.413, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-50.030 Fees is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 131–132). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.040 Forms is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 132). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413(a), RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-50.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 132–133). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed rule.

COMMENT: Stacy Tellman, Securities Licensing Examiner, and Carrie Jones, Licensing Coordinator, with the Securities Division jointly recommended that the proposed Form SADV-1 include a section providing for the designation of an investment adviser qualifying officer.

RESPONSE AND EXPLANATION OF CHANGE: The suggested revision to Form SADV-1 has been made.

15 CSR 30-50.040 Forms

(1) The following forms have been adopted and approved for filing with the division:

(A) Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives—

1. Form BD—Uniform Application for Broker-Dealer Registration approved July 1999, OMB Approval Number 3235-0012, or any form which substantially comports with the specified form;

2. Form BDW—Uniform Request for Broker-Dealer Withdrawal approved August 1999, OMB Approval Number 3235-0018, or any form which substantially comports with the specified form;

3. Form SBD-1—Missouri Broker-Dealer Affidavit revised October 2001, or any form which substantially comports with the specified form;

4. Form X-17A-5—Financial and Operational Combined Uniform Single Report approved October 1999, OMB Approval Number 3235-0123, or any form which substantially comports with the specified form;

5. Form U-4—Uniform Application for Securities Industry Registration or Transfer adopted by the North American Securities Administration Association (NASAA) on April 29, 2001, or any form which substantially comports with the specified form;

6. Form U-5—Uniform Termination Notice for Securities Industry Registration adopted by the NASAA on April 29, 2001, or any form which substantially comports with the specified form;

7. Form SA-1—Missouri Application for Renewal Registration as Agent revised October 2001, or any form which substantially comports with the specified form;

8. Form ADV—Uniform Application for Investment Adviser Registration approved January 1999, OMB Approval Number 3235-0049, or any form which substantially comports with the specified form;

9. Form ADV-W—Uniform Notice of Withdrawal from Registration as Investment Adviser approved January 1999, OMB Approval Number 3235-0313, or any form which substantially comports with the specified form;

10. Form SADV-1—State Covered Investment Adviser Affidavit revised March 2002, or any form which substantially comports with the specified form;

11. Form SADV-SH—State Application for Hardship Exemption from IARD revised October 2001, or any form which substantially comports with the specified form;

12. Form U-2—Uniform Consent to Service of Process adopted by NASAA and revised November 1997, or any form which substantially comports with the specified form.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.120 Application for Renewal Registration as Agent is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 133-134). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.130 Registration of Securities by Notification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 134). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.150 Application for Registration of Securities by Qualification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 134). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.160 Investment Company Report of Sales is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 134). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.170 In the Matter of the Condition of is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 134-135). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.180 Individual Affidavit is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 135). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.210 Statement of Claim for the Exemption of Securities of a Cooperative Association is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 135). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-50.220 Application for Exception from Definition of Agent for Sellers of Agricultural Cooperative Securities is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 135). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202 and 409.413(a), RSMo 2000, the commissioner amends a rule as follows:

15 CSR 30-51.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 135-136). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed amendment.

COMMENT: Brian C. Underwood of A. G. Edwards & Sons, Inc., a registered broker-dealer, expressed his concern that subparagraph (1) is inconsistent with section 409.201(c)(2), RSMo which exempts a broker-dealer properly registered without the imposition of a condition under section 409.204(b)(5), RSMo from having to register as an investment adviser. Mr. Underwood also expressed his view that subparagraph (4) is inconsistent with section 409.201(c)(2), RSMo for the reasons previously discussed with respect to subparagraph (1).

RESPONSE AND EXPLANATION OF CHANGE: Nothing in section (1) of this rule appears to pertain to the issues raised in Mr. Underwood's comments. The comment concerning section (4) has merit. Section 409.204(b)(5) provides that the "commissioner shall consider that an investment adviser is not necessarily qualified solely on the basis of experience as a broker-dealer or agent." This provision suggests that although a broker-dealer may seek to transact business as an investment adviser under the terms of section 409.204(c)(2), the commissioner must evaluate the broker-dealer's qualification to do so. Requiring the filing of the Form ADV is necessary for that evaluation. Section (4) is changed to permit this review of the application.

15 CSR 30-51.010 General Instructions

(4) Broker-Dealer with Investment Adviser or Federal Covered Adviser Capacity. A broker-dealer, that is not also registered as an investment adviser or filed as a federal covered adviser, is not qualified to employ or supervise investment adviser representatives unless the broker-dealer has filed a Form ADV with its initial or renewal registration as required in 15 CSR 30-51.020(1)(C).

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers and Representatives of Investment Advisers**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202 and 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-51.020 Application for Registration is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 136). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202 and 409.413(a), RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-51.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 136-138). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed rule.

COMMENT: Brian C. Underwood of A. G. Edwards & Sons, Inc., a registered broker-dealer, offered a general comment that it should be clear that any filing through CRD or IARD is sufficient.

Mr. Underwood also commented that in subparagraph (1)(A)3. it should be made clear that whether an NASD member files a recent audited financial statement or Form X-17A-5 FOCUS Report is at the option of the NASD member.

Finally, Mr. Underwood commented that in subparagraph (1)(C) is inconsistent with the provisions of section 409.201(c)(2), RSMo which exempts entities already registered as broker-dealers from having to make any additional filings to perform as an investment adviser.

RESPONSE AND EXPLANATION OF CHANGE: The commissioner favors uniformity in the application process. The changes to this rule and the other rules in this chapter further that policy. This rule clearly authorizes use of the CRD and IARD systems, but at the present time some materials or documents must be submitted in another format.

In response to Mr. Underwood's comment concerning paragraph (1)(A)3., it is the view of the commissioner that paragraph (1)(A)3. already provides an option to the applicant.

The last comment of Mr. Underwood to this rule has merit. However, section 409.204(b)(5) provides that the "commissioner shall consider that an investment adviser is not necessarily qualified solely on the basis of experience as a broker-dealer or agent." This provision suggests that although a broker-dealer may seek to transact business as an investment adviser under the terms of section 409.204(c)(2), the commissioner must evaluate the broker-dealer's qualification to do so. Requiring the filing of the Form ADV is necessary for that evaluation.

The final change to this rule is the elimination of proposed section (8). The exception of sellers of agricultural cooperatives from the definition of agent and the requirements for this exclusion are now found in rule 15 CSR 30-51.180.

15 CSR 30-51.020 Applications for Registration or Notice Filings

(1) Broker-Dealer Application. The application for registration as broker-dealer shall contain the information outlined in section 409.202(a) of the Act and in this rule. National Association of Securities Dealers (NASD) members must file applications in accordance with the guidelines of the Central Registration Depository (CRD) System.

(C) Broker-Dealers with Investment Adviser or Federal Covered Adviser Capacity. A broker-dealer, that intends to employ or supervise investment adviser representatives, but which is not also registered as an investment adviser or filed as a federal covered adviser, shall file a Form ADV with its initial or renewal application for registration as required above. Broker-dealers have a continuing duty to amend this information under 15 CSR 30-51.160.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 51—Broker-Dealers, Agents, Investment Advisers and Representatives of Investment Advisers

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202, 409.204 and 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-51.030 Examination is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002

(27 MoReg 138). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 51—Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.202, 409.204(b)(6) and 409.413(a), RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-51.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 138-139). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received two (2) comments on the proposed rule.

COMMENT: Brian C. Underwood of A. G. Edwards & Sons, Inc., a registered broker-dealer, commented that the term "Investment Adviser Qualifying Officers" is used in subparagraphs (2)(D) and (3)(B), but that it is not defined and is not a term of common usage.

RESPONSE: No changes have been made to the rule as a result of this comment, but a definition has been provided in rule 15 CSR 30-50.010.

COMMENT: Michael Herndon of Certified Financial Planner Board of Standards commented that the proposed description of his professional organization in subparagraph (4)(A)1. was incorrect. He recommended that the language be changed to "Certified Financial Planner (CFP) awarded by Certified Financial Planner Board of Standards, Inc."

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (4)(A)1. will be changed to correctly identify Certified Financial Planner Board of Standards, Inc.

15 CSR 30-51.030 Examination Requirement

(4) Waiver of Examination Requirement for Investment Adviser Representatives. The examination requirement for applicants may be waived if the examination is not necessary for the protection of advisory clients. Persons with the following qualifications may qualify for a waiver of the examination requirement:

(A) Investment Adviser Representatives. Applicants for investment adviser representative may qualify for a waiver of the examination requirement in 15 CSR 30-51.030(2)(C)2., if the applicant currently holds one (1) of the following designations:

1. Certified Financial Planner (CFP) awarded by Certified Financial Planner Board of Standards, Inc.;
2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;
3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;
4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;

5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc;
6. Certified Investment Management Consultant (CIMC) awarded by the Institute for Certified Investment Management Consultants;
7. Certified Investment Management Analyst (CIMA) awarded by the Investment Management Consultants Association; or
8. Such other professional designation as the commissioner may by order recognize.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 51—Broker-Dealers, Agents, Investment Advisers and Representatives of Investment Advisers

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.201, 409.202, 409.204 and 409.413, RSMo 2000, the commissioner rescinds a rule as follows:

15 CSR 30-51.160 Effectiveness and Post-Effective Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 139). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 51—Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under sections 409.201(b) and (d), 409.202, 409.204 and 409.413, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-51.160 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 139-141). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commissioner of securities received one (1) comment on the proposed rule.

COMMENT: Brian C. Underwood with A. G. Edwards & Sons, Inc., a registered broker-dealer, suggested that in paragraph (3)(B)3. any agent or investment adviser representative who is currently registered with the state, who is not subject to any restrictions on his or her registration with the state, who transfers from an entity currently registered with the state to another entity currently registered with the state, should be immediately granted an automatic temporary registration to conduct business with the new entity. The state should then have a 30-day period in which to postpone, suspend or revoke that registration based only upon information that has not been previously reported to the state. Mr. Underwood commented that if an agent has been permitted to do

business in the state, the mere fact that that agent transfers from one registered entity to another registered entity should not cause that agent to suffer any delay in continuing to earn a livelihood, unless there is some new set of facts not previously known to the state which would cause the state to act. Mr. Underwood also commented that subparagraph (4) should state that BDW or ADV-W filings may be made through the CRD or IARD system, as appropriate.

RESPONSE AND EXPLANATION OF CHANGE: Mr. Underwood's comments concerning this section have merit. However, most of the suggested changes need to be made through legislative change to section 409.204, RSMo 2000. The commissioner supports the change in H.B. 1957. If this bill or a substitute is passed by the legislature, this rule will be reviewed for amendment. This rule has been changed to reflect the current provisions of section 409.204 which recognized that the temporary permit is automatic. Mr. Underwood's concern that BDW and ADV-W filings may be made through the CRD or IARD system has been addressed in rule 15 CSR 30-50.020.

15 CSR 30-51.160 Effectiveness and Post-Effective Requirements

(3) Continuing Duty of Applicants and Registrants to Disclose Material Information.

(B) Termination of an Agent or Investment Adviser Representative.

1. Duty of broker-dealer, issuer or investment adviser. When an agent's or representative's association with the broker-dealer, issuer or investment adviser is discontinued or terminated by either party, the broker-dealer, issuer or investment adviser must file within thirty (30) days of the discontinuance or termination, a notice of that fact, stating the date of and reasons for the discontinuance or termination (Form U-5 or by letter).

2. Duty of agent or investment adviser representative. When an agent's or representative's association with a broker-dealer or investment adviser registered in Missouri is discontinued or terminated by either party, the agent or investment adviser representative must file, within thirty (30) days of the discontinuance or termination, amended documents reflecting association with another broker-dealer or investment adviser.

3. Temporary registration for transferring agents. An agent registered in Missouri transferring from one Missouri registered broker-dealer to another Missouri registered broker-dealer shall automatically have a temporary registration to transact securities business for thirty (30) days following the date the application becomes complete and nondeficient, unless the commissioner has withdrawn the temporary registration or issued an order of denial or summary postponement pursuant to section 409.204, RSMo. The temporary registration must be requested on the Form U-4 prior to any securities transactions by the agent through the new broker-dealer and within thirty (30) days following the termination from the previous firm. No such temporary registration will be granted upon termination from an issuer.

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 51—Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-51.180 Exclusions from Definition of Broker-Dealer, Agents, Investment Advisers, and Investment Adviser Representatives **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2002 (27 MoReg 251). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The secretary of state received one (1) comment on the proposed rule.

COMMENT: C. L. Potuznik responded on behalf of the Investment Dealers Association of Canada (IDA). The IDA supports adoption of the proposed rule.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.413, RSMo 2000, the commissioner adopts a rule as follows:

15 CSR 30-54.290 Canadian-United States Cross-Border Trading Exemption **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2002 (27 MoReg 251-252). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The secretary of state received one (1) comment on the proposed rule.

COMMENT: C. L. Potuznik responded on behalf of the Investment Dealers Association of Canada (IDA). The IDA supports adoption of the proposed rule.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 4—Membership and Creditable Service

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board amends a rule as follows:

16 CSR 10-4.014 Reinstatement and Credit Purchases **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2002 (27 MoReg 465). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Non-Teacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 2000, the board amends a rule as follows:

16 CSR 10-6.040 Membership Service Credit **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2002 (27 MoReg 465-466). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

IN ADDITION

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges

The proposed rule which was published in the April 1, 2002 *Missouri Register* (27 MoReg 553-554) should have indicated that the form following the rule was being removed from the *Code of State Regulations*.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

IN ADDITION

**15 CSR 30-45.030 Local Records Grant Program
Administration**

The proposed rule which was published in the March 1, 2002 *Missouri Register* (27 MoReg 407-408) included (A) and (B) as the last two entries. These erroneously designated subsection entries have been changed to the corrected subparagraph format "A." and "B."

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the June 24, 2002, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

05/09/02

#3206 RS: Transitions I
St. Joseph (Buchanan County)
\$27,056, Replace 6 residential care
facility (RCF) beds

#3249 NP: Lutheran Senior Services
at Breeze Park Care Center
St. Charles (St. Charles County)

\$6,345,000, Long term care bed expansion
through the purchase of 45 skilled nursing
facility (SNF) beds from Chesterfield Manor, Chesterfield
(St. Louis County)
and replace 20 SNF beds

05/10/02

#3252 HS: Southeast Missouri Hospital
Cape Girardeau (Cape Girardeau County)
\$2,676,127, Replace linear accelerator

#3251 NS: St. Joe Manor
Bonne Terre (St. Francois County)
\$2,698,000, Replace 40 SNF beds

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by June 10, 2002. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
2140 INDEPENDENCE, L.L.C.**

On April 26, 2002, 2140 Independence, L.L.C., a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State, effective on April 29, 2002.

Any claims against the Company may be sent to: Limbaugh, Russell, Payne & Howard, Attn: R. Michael Howard, P.O. Box 1150, Cape Girardeau, MO 63702-1150. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

Date of Publication:

May _____, 2002

NOTICE OF DISSOLUTION OF CORPORATION

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST Lenco Contracting, Inc., a Missouri corporation.

On May 6, 2002, Lenco Contracting, Inc., a Missouri corporation (the "Corporation"), filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on May 6, 2002.

The Corporation requests that all persons and organizations who have claims against it present them by letter to the Corporation to the attention of Rodney V. Fahs at Greensfelder, Hemker & Gale, P.C., 10 S. Broadway, Suite 2000, St. Louis, Missouri 63102.

All claims must include (i) the name and address of the claimant; (ii) the amount claimed; (iii) the basis for the claim; and (iv) the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Pursuant to Section 351.478 RSMo., any claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by 351.478 RSMo., whichever is published last.

Authorized Representative: Debra J. Spaethe

Thank you. Please contact me at (314) 345-4712 with any questions, etc.

Debbie Spaethe

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E02323 Corrugated Sheets 6/17/02;
B1E02324 Dairy Products: Central MO 6/19/02;
B1E02326 Dairy Products: Various Locations 6/19/02;
B1E02325 Ice Cream-St. Louis Area 6/20/02;
B1Z02322 Meats-August 6/20/02;
B3Z02187 Art Services-Lewis & Clark Expedition 6/21/02;
B3Z02195 Hemoglobinopathy (Sickle Cell) Resource Center 6/24/02;
B1E02321 Framing Supplies 6/25/02;
B3Z02215 Printing: 2002 Pocket Part Cumulative Supplement 6/28/02;
B3E02216 Certification Services-Sheltered Workshop Employment 7/1/02;
B3Z02164 Pharmacy Services 7/15/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) Care Management Organization, supplied by the Missouri Alliance for Children and Families.
- 2.) Tobacco Use Prevention and Control Program: "Best Practices for a Comprehensive Tobacco Control Program", supplied by St. Louis University, School of Public Health.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				25 MoReg 2478
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847			27 MoReg 189
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
	.....	26 MoReg 1305			
2 CSR 10-5.015	Market Development	26 MoReg 2217	27 MoReg 451	.....	This Issue
2 CSR 30-2.010	Animal Health	26 MoReg 2257	26 MoReg 2263	.....	27 MoReg 716W
	.....		27 MoReg 681		
	.....				This Issue
2 CSR 30-2.011	Animal Health	27 MoReg 848			
2 CSR 30-2.020	Animal Health		This Issue		
2 CSR 30-2.040	Animal Health	26 MoReg 2257	26 MoReg 2265	.....	27 MoReg 716W
	.....		27 MoReg 685		
	.....				This Issue
2 CSR 30-6.020	Animal Health	26 MoReg 2258	26 MoReg 2267	.....	27 MoReg 716W
	.....		27 MoReg 688		
	.....				This Issue
2 CSR 70-13.045	Plant Industries	27 MoReg 767	27 MoReg 774		
2 CSR 70-13.050	Plant Industries	27 MoReg 767	27 MoReg 776		
2 CSR 80-5.010	State Milk Board		27 MoReg 396	.....	This Issue
2 CSR 90-10.012	Weights and Measures		27 MoReg 7	.....	27 MoReg 807
2 CSR 90-10.013	Weights and Measures		27 MoReg 9	.....	27 MoReg 807
2 CSR 90-10.020	Weights and Measures		27 MoReg 9	.....	27 MoReg 808
2 CSR 90-10.040	Weights and Measures		27 MoReg 11	.....	27 MoReg 808
2 CSR 90-20.040	Weights and Measures		27 MoReg 454		
2 CSR 90-22.140	Weights and Measures		27 MoReg 454		
2 CSR 90-23.010	Weights and Measures		27 MoReg 454		
2 CSR 90-25.010	Weights and Measures		27 MoReg 455		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.130	Conservation Commission		This Issue		
3 CSR 10-4.141	Conservation Commission		This Issue		
3 CSR 10-5.205	Conservation Commission		This Issue		
3 CSR 10-5.215	Conservation Commission		This Issue		
3 CSR 10-5.225	Conservation Commission		This Issue		
3 CSR 10-5.350	Conservation Commission		This Issue		
3 CSR 10-5.352	Conservation Commission		This Issue		
3 CSR 10-5.353	Conservation Commission		This Issue		
3 CSR 10-5.425	Conservation Commission		This Issue		
3 CSR 10-5.460	Conservation Commission		This Issue		
3 CSR 10-5.465	Conservation Commission		This Issue		
3 CSR 10-5.550	Conservation Commission		27 MoReg 455	.....	27 MoReg 921
	.....		This IssueR		
3 CSR 10-5.551	Conservation Commission		27 MoReg 456	.....	27 MoReg 921
	.....				This Issue
3 CSR 10-5.552	Conservation Commission		This Issue		
3 CSR 10-5.553	Conservation Commission		This Issue		
3 CSR 10-5.559	Conservation Commission		This Issue		
3 CSR 10-5.575	Conservation Commission		This IssueR		
3 CSR 10-5.576	Conservation Commission		This Issue		
3 CSR 10-5.577	Conservation Commission		This Issue		
3 CSR 10-5.578	Conservation Commission		This Issue		
3 CSR 10-6.405	Conservation Commission		This Issue		
3 CSR 10-6.410	Conservation Commission		This Issue		
3 CSR 10-6.415	Conservation Commission		This Issue		
3 CSR 10-6.540	Conservation Commission		This Issue		
3 CSR 10-6.550	Conservation Commission		This Issue		
3 CSR 10-6.605	Conservation Commission		This Issue		
3 CSR 10-7.410	Conservation Commission		This Issue		
3 CSR 10-7.435	Conservation Commission		N.A.	.....	This IssueR
	.....		N.A.	.....	This Issue
3 CSR 10-7.455	Conservation Commission		This Issue		
3 CSR 10-8.510	Conservation Commission		This Issue		
3 CSR 10-8.515	Conservation Commission		This Issue		
3 CSR 10-9.106	Conservation Commission		This Issue		
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.220	Conservation Commission		This Issue		
3 CSR 10-9.351	Conservation Commission		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.353	Conservation Commission	27 MoReg 547	27 MoReg 552		
			This Issue		This Issue
3 CSR 10-9.359	Conservation Commission		This Issue		
3 CSR 10-9.425	Conservation Commission		This Issue		
3 CSR 10-9.560	Conservation Commission		This Issue		
3 CSR 10-9.565	Conservation Commission	27 MoReg 548	27 MoReg 553		This Issue
					This Issue
3 CSR 10-9.566	Conservation Commission	27 MoReg 549	27 MoReg 554		
					This Issue
3 CSR 10-9.570	Conservation Commission	This Issue			
3 CSR 10-9.575	Conservation Commission	This Issue			
3 CSR 10-9.625	Conservation Commission	This Issue			
3 CSR 10-9.630	Conservation Commission	This IssueR			
3 CSR 10-9.645	Conservation Commission	This Issue			
3 CSR 10-10.725	Conservation Commission		N.A.		This Issue
3 CSR 10-10.727	Conservation Commission		N.A.		This Issue
3 CSR 10-10.743	Conservation Commission		This Issue		
3 CSR 10-11.110	Conservation Commission		This Issue		
3 CSR 10-11.115	Conservation Commission		This Issue		
3 CSR 10-11.125	Conservation Commission		This Issue		
3 CSR 10-11.140	Conservation Commission		This Issue		
3 CSR 10-11.145	Conservation Commission		This Issue		
3 CSR 10-11.155	Conservation Commission		This Issue		
3 CSR 10-11.160	Conservation Commission		This Issue		
3 CSR 10-11.165	Conservation Commission		This Issue		
3 CSR 10-11.180	Conservation Commission		This Issue		
3 CSR 10-11.182	Conservation Commission		This Issue		
3 CSR 10-11.183	Conservation Commission		This Issue		
3 CSR 10-11.186	Conservation Commission		This Issue		
3 CSR 10-11.205	Conservation Commission		This Issue		
3 CSR 10-11.210	Conservation Commission		This Issue		
3 CSR 10-11.215	Conservation Commission		This Issue		
3 CSR 10-12.110	Conservation Commission		This Issue		
3 CSR 10-12.125	Conservation Commission		This Issue		
3 CSR 10-12.135	Conservation Commission		This Issue		
3 CSR 10-12.140	Conservation Commission		This Issue		
3 CSR 10-12.145	Conservation Commission		This Issue		
3 CSR 10-20.805	Conservation Commission		This Issue		
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4 CSR 10-2.041	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352	27 MoReg 812	
4 CSR 10-2.061	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352	27 MoReg 812	
4 CSR 10-2.160	Missouri State Board of Accountancy	26 MoReg 1501	26 MoReg 2353	27 MoReg 813	
4 CSR 30-5.105	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2269	27 MoReg 717	
4 CSR 30-5.110	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2269R	27 MoReg 717R	
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4 CSR 30-11.015	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2270	27 MoReg 717	
4 CSR 90-2.010	State Board of Cosmetology		27 MoReg 14	27 MoReg 719	
4 CSR 90-2.020	State Board of Cosmetology		27 MoReg 14	27 MoReg 719	
4 CSR 90-2.030	State Board of Cosmetology		27 MoReg 14	27 MoReg 719	
4 CSR 90-4.020	State Board of Cosmetology		27 MoReg 15	27 MoReg 719	
4 CSR 90-8.010	State Board of Cosmetology		27 MoReg 15	27 MoReg 719	
4 CSR 90-12.080	State Board of Cosmetology		27 MoReg 15	27 MoReg 719	
4 CSR 90-13.070	State Board of Cosmetology		27 MoReg 16	27 MoReg 720	
4 CSR 100	Division of Credit Unions				27 MoReg 415
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4 CSR 110-2.131	Missouri Dental Board	27 MoReg 549	27 MoReg 554		
4 CSR 110-2.132	Missouri Dental Board		27 MoReg 555		
4 CSR 110-2.170	Missouri Dental Board		27 MoReg 100	27 MoReg 720	
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4 CSR 140-2.067	Division of Finance		27 MoReg 457		
4 CSR 140-2.070	Division of Finance		27 MoReg 458		
4 CSR 140-10.010	Division of Finance		27 MoReg 458R		
4 CSR 140-10.030	Division of Finance		27 MoReg 458		
4 CSR 140-11.010	Division of Finance		27 MoReg 459R		
4 CSR 140-11.020	Division of Finance		27 MoReg 459R		
4 CSR 140-11.030	Division of Finance		27 MoReg 459		
4 CSR 140-11.040	Division of Finance		27 MoReg 461		
4 CSR 140-12.010	Division of Finance		27 MoReg 461		
4 CSR 140-13.010	Division of Finance		27 MoReg 462		
4 CSR 140-29.010	Division of Finance		27 MoReg 463		
4 CSR 150-2.030	State Board of Registration for the Healing Arts		27 MoReg 860		
4 CSR 150-2.040	State Board of Registration for the Healing Arts		27 MoReg 860		

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4 CSR 150-2.080	State Board of Registration for the Healing Arts	27	MoReg 776		
4 CSR 150-2.155	State Board of Registration for the Healing Arts	27	MoReg 861		
4 CSR 150-4.010	State Board of Registration for the Healing Arts	27	MoReg 861		
4 CSR 150-4.060	State Board of Registration for the Healing Arts	27	MoReg 861		
4 CSR 150-6.050	State Board of Registration for the Healing Arts	27	MoReg 862		
4 CSR 150-7.200	State Board of Registration for the Healing Arts	27	MoReg 862		
4 CSR 150-8.060	State Board of Registration for the Healing Arts	27	MoReg 862		
4 CSR 205-1.030	Missouri Board of Occupational Therapy.....	27	MoReg 18R	27	MoReg 720R
4 CSR 205-3.010	Missouri Board of Occupational Therapy.....	27	MoReg 18	27	MoReg 721
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4 CSR 220-2.020	State Board of Pharmacy	27	MoReg 18	27	MoReg 721
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
4 CSR 220-2.650	State Board of Pharmacy	27	MoReg 19	27	MoReg 721
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4 CSR 240-2.115	Public Service Commission.....	27	MoReg 691		
4 CSR 240-2.117	Public Service Commission.....	27	MoReg 692		
4 CSR 240-13.055	Public Service Commission.....	26	MoReg 2259		
4 CSR 255-2.010	Missouri Board for Respiratory Care.....	26	MoReg 2404	27	MoReg 722
4 CSR 255-2.020	Missouri Board for Respiratory Care.....	26	MoReg 2404	27	MoReg 722
4 CSR 255-2.030	Missouri Board for Respiratory Care.....	26	MoReg 2405	27	MoReg 722
4 CSR 255-2.050	Missouri Board for Respiratory Care.....	27	MoReg 780		
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4 CSR 265-8.060	Motor Carrier and Railroad Safety				26 MoReg 2181

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5 CSR 50-340.050	Division of School Improvement	27	MoReg 555R		
	27	MoReg 555		
5 CSR 50-340.110	Division of School Improvement	27	MoReg 693		
5 CSR 80-800.360	Teacher Quality and Urban Education	26	MoReg 2290	27	MoReg 723
5 CSR 80-800.380	Teacher Quality and Urban Education	27	MoReg 559		
5 CSR 80-805.030	Teacher Quality and Urban Education	26	MoReg 2291	27	MoReg 723
5 CSR 80-850.010	Teacher Quality and Urban Education	27	MoReg 694R		
	27	MoReg 695		

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7 CSR 10-14.020	Missouri Highways and Transportation Commission	27	MoReg 312		
7 CSR 10-14.030	Missouri Highways and Transportation Commission	27	MoReg 312		
7 CSR 10-14.040	Missouri Highways and Transportation Commission	27	MoReg 313		
7 CSR 10-14.050	Missouri Highways and Transportation Commission	27	MoReg 314		
7 CSR 10-14.060	Missouri Highways and Transportation Commission	27	MoReg 315		
7 CSR 10-23.010	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-23.020	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-23.030	Missouri Highways and Transportation Commission		This Issue		

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8 CSR 10-5.030	Division of Employment Security.....	27	MoReg 785R		
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9 CSR 30-4.030	Certification Standards.....	27	MoReg 219	27	MoReg 814
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9 CSR 30-4.032	Certification Standards.....	27	MoReg 220	27	MoReg 814
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9 CSR 30-4.043	Certification Standards	27 MoReg 223	27 MoReg 230	27 MoReg 815	
9 CSR 30-4.045	Certification Standards	27 MoReg 224	27 MoReg 231	27 MoReg 815	
9 CSR 45-3.050	Division of Mental Retardation and Developmental Disabilities		27 MoReg 622R		
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	27 MoReg 389	27 MoReg 399		
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10 CSR 10	Air Conservation Commission				27 MoReg 652
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10 CSR 10-2.260	Air Conservation Commission		27 MoReg 699		
10 CSR 10-3.060	Air Conservation Commission		27 MoReg 699		
10 CSR 10-4.040	Air Conservation Commission		27 MoReg 700		
10 CSR 10-5.180	Air Conservation Commission		27 MoReg 564		
10 CSR 10-5.380	Air Conservation Commission		This Issue		
10 CSR 10-6.070	Air Conservation Commission		27 MoReg 402		
10 CSR 10-6.075	Air Conservation Commission		27 MoReg 403		
10 CSR 10-6.080	Air Conservation Commission		27 MoReg 405		
10 CSR 10-6.110	Air Conservation Commission		27 MoReg 318		
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10 CSR 10-6.220	Air Conservation Commission		27 MoReg 564		
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10 CSR 20-4.043	Clean Water Commission		26 MoReg 861		
10 CSR 20-7.040	Clean Water Commission		27 MoReg 235		
10 CSR 25-3.260	Hazardous Waste Management Commission		27 MoReg 110		
10 CSR 25-6.263	Hazardous Waste Management Commission		27 MoReg 112		
10 CSR 25-12.010	Hazardous Waste Management Commission		27 MoReg 115		
			27 MoReg 702		
10 CSR 40-10.020	Land Reclamation Commission		26 MoReg 1798		
			27 MoReg 626		
10 CSR 40-10.050	Land Reclamation Commission		26 MoReg 1798		
10 CSR 60-4.050	Public Drinking Water Program		27 MoReg 325		
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11 CSR 10-11.210	Adjutant General		27 MoReg 247	27 MoReg 815	
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11 CSR 10-11.220	Adjutant General		27 MoReg 248	27 MoReg 816	
	(Changed from 11 CSR 40-4.020)				
11 CSR 10-11.230	Adjutant General		27 MoReg 248	27 MoReg 816	
	(Changed from 11 CSR 40-4.030)				
11 CSR 10-11.240	Adjutant General		27 MoReg 249	27 MoReg 816	
	(Changed from 11 CSR 40-4.040)				
11 CSR 10-11.250	Adjutant General		27 MoReg 249	27 MoReg 816	
	(Changed from 11 CSR 40-4.050)				
11 CSR 30-7.010	Office of the Director	27 MoReg 550	27 MoReg 565		
11 CSR 40-4.010	Division of Fire Safety		27 MoReg 247	27 MoReg 815	
	(Changed to 11 CSR 10-11.210)				
11 CSR 40-4.020	Division of Fire Safety		27 MoReg 248	27 MoReg 816	
	(Changed to 11 CSR 10-11.220)				
11 CSR 40-4.030	Division of Fire Safety		27 MoReg 248	27 MoReg 816	
	(Changed to 11 CSR 10-11.230)				
11 CSR 40-4.040	Division of Fire Safety		27 MoReg 249	27 MoReg 816	
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11 CSR 40-4.050	Division of Fire Safety		27 MoReg 249	27 MoReg 816	
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11 CSR 40-6.060	Division of Fire Safety	26 MoReg 857			
11 CSR 45-1.090	Missouri Gaming Commission		27 MoReg 121	27 MoReg 725	
11 CSR 45-3.010	Missouri Gaming Commission		27 MoReg 865		
11 CSR 45-4.260	Missouri Gaming Commission		26 MoReg 2298	27 MoReg 649	
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11 CSR 45-4.400	Missouri Gaming Commission		27 MoReg 121	27 MoReg 725	
11 CSR 45-4.410	Missouri Gaming Commission		27 MoReg 121	27 MoReg 725	
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11 CSR 45-5.070	Missouri Gaming Commission		27 MoReg 565		
11 CSR 45-5.075	Missouri Gaming Commission		27 MoReg 568		
11 CSR 45-5.290	Missouri Gaming Commission		27 MoReg 122	27 MoReg 725	
11 CSR 45-6.020	Missouri Gaming Commission		27 MoReg 123	27 MoReg 921	
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11 CSR 45-8.050	Missouri Gaming Commission		27 MoReg 128	27 MoReg 725	
11 CSR 45-9.030	Missouri Gaming Commission		27 MoReg 568		
11 CSR 45-12.090	Missouri Gaming Commission		27 MoReg 128	27 MoReg 726	
11 CSR 45-13.070	Missouri Gaming Commission		27 MoReg 128	27 MoReg 726	
11 CSR 45-30.025	Missouri Gaming Commission		27 MoReg 571		
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11 CSR 60-1.010	Division of Highway Safety		26 MoReg 2407	27 MoReg 816	

[illegible]

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12 CSR 10-3.031	Director of Revenue		27 MoReg 707R		
12 CSR 10-3.034	Director of Revenue		27 MoReg 708R		
12 CSR 10-3.042	Director of Revenue		27 MoReg 708R		
12 CSR 10-3.044	Director of Revenue		27 MoReg 708R		
12 CSR 10-3.116	Director of Revenue		27 MoReg 708R		
12 CSR 10-3.144	Director of Revenue		27 MoReg 709R		
12 CSR 10-3.158	Director of Revenue		27 MoReg 709R		
12 CSR 10-3.179	Director of Revenue		27 MoReg 709R		
12 CSR 10-3.233	Director of Revenue		27 MoReg 709R		
12 CSR 10-3.240	Director of Revenue		27 MoReg 793R		
12 CSR 10-3.245	Director of Revenue		27 MoReg 793R		
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12 CSR 10-3.250	Director of Revenue		27 MoReg 793R		
12 CSR 10-3.254	Director of Revenue		27 MoReg 794R		
12 CSR 10-3.256	Director of Revenue		27 MoReg 794R		
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12 CSR 10-3.292	Director of Revenue		27 MoReg 794R		
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12 CSR 10-8.150	Director of Revenue		27 MoReg 712R		
12 CSR 10-24.190	Director of Revenue	27 MoReg 768	27 MoReg 795		
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12 CSR 10-41.030	Director of Revenue		27 MoReg 338	27 MoReg 922	
12 CSR 10-43.030	Director of Revenue		27 MoReg 464		
12 CSR 10-102.016	Director of Revenue		27 MoReg 712		
12 CSR 10-103.395	Director of Revenue		27 MoReg 713		
12 CSR 10-108.700	Director of Revenue		27 MoReg 713		
12 CSR 10-113.200	Director of Revenue		27 MoReg 339	27 MoReg 922	
12 CSR 10-117.100	Director of Revenue		27 MoReg 340	27 MoReg 922	
12 CSR 30-4.010	State Tax Commission		27 MoReg 250		
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13 CSR 15-4.050	Division of Aging		27 MoReg 486		
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13 CSR 40-30.020	Division of Family Services	27 MoReg 391	27 MoReg 406	This Issue	
13 CSR 40-60.050	Division of Family Services		27 MoReg 341	This Issue	
13 CSR 70-15.010	Division of Medical Services		27 MoReg 894		
13 CSR 70-15.110	Division of Medical Services		27 MoReg 898		
13 CSR 70-20.200	Division of Medical Services	This Issue			
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13 CSR 73-2.015	Missouri Board of Nursing				
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15 CSR 30-50.030	Secretary of State		27 MoReg 131R	This IssueR	
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15 CSR 30-50.120	Secretary of State		27 MoReg 133R	This IssueR	
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15 CSR 30-50.150	Secretary of State		27 MoReg 134R	This IssueR	
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15 CSR 30-51.160	Secretary of State		27 MoReg 139R	This IssueR	
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16 CSR 10-6.040	The Public School Retirement System of Missouri		27 MoReg 465	This Issue	
16 CSR 50-10.010	The County Employees' Retirement Fund		27 MoReg 900		
16 CSR 50-10.030	The County Employees' Retirement Fund		27 MoReg 900		
16 CSR 50-10.040	The County Employees' Retirement Fund		27 MoReg 901		
16 CSR 50-10.050	The County Employees' Retirement Fund		27 MoReg 902		
16 CSR 50-10.070	The County Employees' Retirement Fund		27 MoReg 903		
16 CSR 50-20.030	The County Employees' Retirement Fund		27 MoReg 903		
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16 CSR 50-20.070	The County Employees' Retirement Fund		27 MoReg 904		
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17 CSR 20-2.015	St. Louis Board of Police Commissioners		26 MoReg 2024		
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17 CSR 20-2.025	St. Louis Board of Police Commissioners		26 MoReg 2024		
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17 CSR 20-2.035	St. Louis Board of Police Commissioners		26 MoReg 2025		
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17 CSR 20-2.045	St. Louis Board of Police Commissioners		26 MoReg 2026		
			27 MoReg 469		
17 CSR 20-2.055	St. Louis Board of Police Commissioners		26 MoReg 2027		
			27 MoReg 469		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		26 MoReg 2027		
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17 CSR 20-2.085	St. Louis Board of Police Commissioners		26 MoReg 2028		
			27 MoReg 471		
17 CSR 20-2.095	St. Louis Board of Police Commissioners		26 MoReg 2029		
			27 MoReg 472		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		26 MoReg 2030		
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17 CSR 20-2.115	St. Louis Board of Police Commissioners		26 MoReg 2031		
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17 CSR 20-2.125	St. Louis Board of Police Commissioners		26 MoReg 2032		
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17 CSR 20-2.135	St. Louis Board of Police Commissioners		26 MoReg 2033		
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18 CSR 10-2.010	Office of State Public Defender		27 MoReg 477		
18 CSR 10-3.010	Office of State Public Defender		27 MoReg 477		

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19 CSR 10-3.030	Office of the Director		27 MoReg 801R		
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19 CSR 10-4.010	Office of the Director		27 MoReg 478R		
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19 CSR 10-4.040	Office of the Director	27 MoReg 550	27 MoReg 571		
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19 CSR 15-4.050	Division of Senior Services		27 MoReg 486		
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19 CSR 20-3.050	Division of Environmental Health and Communicable Disease Prevention			27 MoReg 584	
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19 CSR 25-38.020	Division of Administration	27 MoReg 392	27 MoReg 408		
19 CSR 60-50	Missouri Health Facilities Review			27 MoReg 738	
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19 CSR 60-50.200	Missouri Health Facilities Review	27 MoReg 71R	27 MoReg 141R	27 MoReg 726R	
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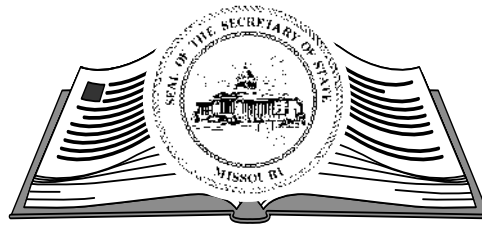
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